

INFORMAL HEARING STATE VIOLATION N92-32-6-1
PACIFICORP, COTTONWOOD MINE, ACT/015/019
EMERY COUNTY, UTAH
JUNE 17, 1992

MINE WILBERG

DATE AUG. 2, 1983

COMMENTS: THIS INSPECTION WAS PERFORMED WITH FRANK ATENCIO,
O.S.M. INSPECTOR. INCLUDED EXAMINATION OF FILES.

Code

1. New Problem
2. 2nd Occurrence
3. 3rd Occurrence

Val Payne
Construction M

Construction Manager

Surface Yard Foreman

- permit area. The description will include a map, appropriate cross sections, and specifications for each road width, road gradient, road surface, road cut, fill embankment, culvert, bridge, drainage ditch, drainage structure, and each stream ford that is used as a temporary route.
- 521.180. Support facilities. Each permit applicant will submit a description, plans, and drawings for each support facility to be constructed, used, or maintained within the proposed permit area. The plans and drawings will include a map, appropriate cross sections, design drawings, and specifications to demonstrate compliance with R645-301-526.220 through R645-301-526.222 for each facility.
- 521.190. Other relevant information required by the Division.
- 521.200. Signs and Markers Specifications. Signs and markers will:
- 521.210. Be posted, maintained, and removed by the person who conducts the coal mining and reclamation operations;
- 521.220. Be a uniform design that can be easily seen and read; be made of durable material; and conform to local laws and regulations;
- 521.230. Be maintained during all activities to which they pertain;
- 521.240. Mine and Permit Identification Signs.
- 521.241. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, identification signs will be displayed at each point of access from public roads to areas of surface operations and facilities on permit areas;
- 521.242. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES, identification signs will be displayed at each point of access to the permit area from public roads;
- 521.243. Show the name, business address, and telephone number of the permittee who conducts coal mining and reclamation operations and the identification number of the permanent program permit authorizing coal mining and reclamation operations; and
- 521.244. Be retained and maintained until after the release of all bonds for the permit area;
- 521.250. Perimeter Markers.
- 521.251. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, the perimeter of all areas affected by surface operations or facilities before beginning mining activities will be clearly marked; or
- 521.252. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES, the perimeter of a permit area will be clearly marked before the beginning of surface mining activities;
- 521.260. Buffer Zone Markers.
- 521.261. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, signs will be erected to mark buffer zones as required under R645-301-731.600 and will be clearly marked to prevent disturbance by surface operations and facilities; or
- 521.262. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES, buffer zones will be marked along their boundaries as required under R645-301-731.600; and
- 521.270. Topsoil Markers. Markers will be erected to mark where topsoil or other vegetation-supporting material is physically segregated and stockpiled as required under R645-301-234.
522. Coal Recovery. The permit application will include a description of the measures to be used to maximize the use and conservation of the coal resource. The description will assure that coal mining and reclamation operations are conducted so as to maximize the utilization and conservation of the coal, while utilizing the best technology currently available to maintain environmental integrity, so that reffecting the land in the future through coal mining and reclamation operations is minimized.
523. Mining Method(s). Each application will include a description of the mining operation proposed to be conducted during the life of the mine within the proposed permit area, including, at a minimum, a narrative description of the type and method of coal mining procedures and proposed engineering techniques, anticipated annual and total production of coal, by tonnage and the major equipment to be used for all aspects of those operations.
- 523.100. SURFACE COAL MINING AND RECLAMATION ACTIVITIES proposed to be conducted within the permit area within 500 feet of an underground mine will be described to indicate compliance with R645-301-523.200.
- 523.200. No SURFACE COAL MINING AND RECLAMATION ACTIVITIES will be conducted closer than 500 feet to any point of either an active or abandoned underground mine, except to the extent that:
- 523.210. The operations result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public; and
- 523.220. The nature, timing, and sequence of the activities that propose to mine closer than 500 feet to an active underground mine are jointly approved by the Division and MSHA.
524. Blasting and Explosives. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES, each permit application will contain a blasting plan for the proposed permit area explaining how the applicant will comply with R645-301-524. This plan will include, at a minimum, information setting forth the limitations the operator will meet with regard to ground vibration and airblast, the bases for those limitations, and the methods to be applied in controlling the adverse effects of blasting operations. Each blasting plan will also contain a description of any system to be used to monitor compliance with the standards of R645-301-524.600 including the type, capability, and sensitivity of any blast-monitoring equipment and proposed procedures and locations of monitoring. Blasting operations conducted within 500 feet of active underground mines require approval of MSHA. Blasts that use more than five pounds of explosive or blasting agent will be conducted according to the schedule required under R645-301-524.400. For the purposes of UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES, R645-301-524.100 through R645-301-524.700 apply to surface blasting activities incident to underground coal mining, including, but not limited to, initial rounds of slopes and shafts.

"Administratively Complete Application" means an application for permit approval or approval for coal exploration, where required, which the Division determines to contain information addressing each application requirement of the State Program and to contain all information necessary to initiate processing and public review.

"Affected Area" means any land or water surface area which is used to facilitate, or is physically altered by, coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from coal mining and reclamation operations; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property material on the surface resulting from, or incident to, coal mining and reclamation operations; and the area located above underground workings.

"Agricultural Use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

"Alluvial Valley Floors" means the unconsolidated stream-laid deposits holding streams with water availability sufficient for subirrigation or flood irrigation agricultural activities, but does not include upland areas which are generally overlain by a thin veneer of colluvial deposits composed chiefly of debris from sheet erosion, deposits formed by unconcentrated runoff or slope wash, together with talus, or other mass-movement accumulations, and windblown deposits.

"Applicant" means any person seeking a permit, permit change, and permit renewal, transfer, assignment, or sale of permit rights from the Division to conduct coal mining and reclamation operations or, where required, seeking approval for coal exploration.

"Application" means the documents and other information filed with the Division under the R645 Rules for the issuance of permits; permit changes; permit renewals; and transfer, assignment, or sale of permit rights for coal mining and reclamation operations or, where required, for coal exploration.

"Approximate Original Contour" means that surface configuration achieved by backfilling and grading of the mined areas so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain with all highwalls, spoil piles, and coal refuse piles having a design approved under the R645 Rules and prepared for abandonment. Permanent water impoundments may be permitted where the Division has determined that they comply with R645-301-413.100 through R645-301-413.334, R645-301-512.240, R645-301-514.300, R645-301-515.200, R645-301-533.100 through R645-301-533.600, R645-301-542.400, R645-301-733.220 through R645-301-733.224, R645-301-743, R645-302-270 through R645-302-271.400, R645-302-271.600, R645-302-271.800, and R645-302-271.900.

"Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for a specific use.

"Arid and Semiarid Area" means, in the context of ALLUVIAL VALLEY FLOORS, an area where water use by native vegetation equals or exceeds that supplied by precipitation. All coalfields in Utah are in arid and semiarid areas.

"Auger Mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the highwall and transporting the coal along an auger bit to the surface.

"Best Technology Currently Available" means equipment, devices, systems, methods, or techniques which will (a) prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contributions of suspended solids in excess of requirements set by applicable state or federal laws; and (b) minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife, and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the Director, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetation selection and planting requirements, animal stocking requirements, scheduling of activities, and design of sedimentation ponds in accordance with R645-301 and R645-302. Within the constraints of the State Program, the Division will have the discretion to determine the best technology currently available on a case-by-case basis, considering among other things the economic feasibility of the equipment, devices, systems, methods or techniques, as authorized by the Act and the R645 Rules.

"Blaster" means a person who is directly responsible for the use of explosives in connection with surface blasting operations incidental to UNDERGROUND COAL MINING AND RECLAMATION ACTIVITIES or SURFACE COAL MINING AND RECLAMATION ACTIVITIES, and who holds a valid certificate issued by the Division in accordance with the statutes and regulations administered by the Division governing training, examination, and certification of persons responsible for the use of explosives in connection with surface blasting operations incidental to coal mining and reclamation operations.

"Board" means the Board of Oil, Gas and Mining for the state of Utah, or the Board's delegated representative.

"Cemetery" means any area of land where human bodies are interred.

"Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D388-77.

"Coal Exploration" means the field gathering of: (a) surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or (b) the gathering of environmental data to establish the conditions of an area before beginning coal mining and reclamation operations under the requirements of the R645 Rules.

"Coal Mine Waste" means coal processing waste and underground development waste.

"Coal Mining and Reclamation Operations" means (a) activities conducted on the surface of lands in connection with a surface coal mine or, subject to the requirements of section 40-10-18 of the Act, surface coal mining and reclamation operations and surface impacts incident to an underground coal mine, the products of which enter commerce or the operations of which directly or indirectly affect interstate commerce. Such activities include all activities necessary and incidental to the reclamation of the operations, excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining; the use of explosives and blasting; in-situ distillation; or retorting, leaching, or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate

commerce at or near the mine site. Provided, these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed 16-2/3 percent of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to section 40-10-8 of the Act; and, provided further, that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and (b) the areas upon which the activities described under part (a) of this definition occur or where such activities disturb the natural land surface. These areas will also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

"Coal Mining and Reclamation Operations Which Exist on the Date of Enactment" means all coal mining and reclamation operations which were being conducted on August 3, 1977.

"Coal Preparation or Coal Processing" means the chemical and physical processing and the cleaning, concentrating, or other processing or preparation of coal.

"Coal Processing Plant" means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. Coal processing plant includes facilities associated with coal processing activities, such as, but not limited to, the following: loading facilities; storage and stockpile facilities; sheds, shops, and other buildings; water-treatment and water-storage facilities; settling basins and impoundments; and coal processing and other waste disposal areas.

"Coal Processing Waste" means earth materials which are separated from the product coal during cleaning, concentrating, or the processing or preparation of coal.

"Collateral Bond" means an indemnity agreement in a sum certain executed by the permittee as principal which is supported by the deposit with the Division of: (a) a cash account, which will be the deposit of cash in one or more federally-insured or equivalently protected accounts, payable only to the Division upon demand, or the deposit of cash directly with the Division; (b) negotiable bonds of the United States, a State, or a municipality, endorsed to the order of, and placed in the possession of, the Division; (c) negotiable certificates of deposit, made payable or assigned to the Division and placed in its possession, or held by a federally insured bank; (d) an irrevocable letter of credit of any bank organized or authorized to transact business in the United States payable only to the Division upon presentation; (e) a perfected, first lien security interest in real property in favor of the Division; or (f) other investment grade rated securities having a rating of AAA or AA or A, or an equivalent rating issued by a nationally recognized securities rating service, endorsed to the order of, and placed in the possession of, the Division.

"Combustible Material" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

"Community or Institutional Building" means any structure, other than a public building or an occupied dwelling, which is used primarily for meetings, gatherings or functions of local civic organizations or other community groups; functions including, but not limited to educational, cultural, historic, religious, scientific, correctional, mental-health or physical-health care facility; or is used for public

services, including, but not limited to, water supply, power generation, or sewage treatment.

"Compaction" means increasing the density of a material by reducing the voids between the particles, and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

"Complete and Accurate Application" means an application for permit approval or approval for coal exploration, where required, which the Division determines to contain all information required under the Act, the R645 Rules, and the State Program that is necessary to make a decision on permit issuance.

"Cooperative Agreement" means the agreement between the Governor of the State of Utah and the Secretary of the Department of the Interior as published at 30 CFR 944.30.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

"Cumulative Impact Area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining will include, at a minimum, the entire projected lives through bond releases of: (a) the proposed operation, (b) all existing operations, (c) any operation for which a permit application has been submitted to the Division, and (d) all operations required to meet diligent development requirements for leased federal coal for which there is actual mine development information available.

"Current Assets" means cash or other assets or resources which are reasonably expected to be converted to cash or sold or consumed within one year or within the normal operating cycle of the business.

"Current Liabilities" means obligations which are reasonably expected to be paid or liquidated within one year or within the normal operating cycle of the business.

"Direct Financial Interest" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings, and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining and reclamation operations. Direct financial interests include employment, pensions, creditor, real property, and other financial relationships.

"Director" means the Director, Utah State Division of Oil, Gas and Mining, or the Director's representative.

"Director of the Office" means the Director of the Office of Surface Mining, Reclamation and Enforcement, U.S. Department of the Interior.

"Disturbed Area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by coal mining and reclamation operations. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by R645-301-800 is released. For the purposes of R645-301-356.300, R645-301-356.400, R645-301-513.200, R645-301-742.200 through R645-301-742.240, and R645-301-763, disturbed area will not include those areas (a) in which the only coal mining and reclamation operations include diversion ditches, siltation structures, or roads that are designed, constructed and maintained in accordance with R645-301 and R645-

INFORMAL HEARING STATE VIOLATION N92-32-6-1

PACIFICORP, COTTONWOOD MINE, ACT/015/019

EMERY COUNTY, UTAH

JUNE 17, 1992

LIST OF EXHIBITS

- EXHIBIT 1** State Violation N92-32-6-1
- EXHIBIT 2** Permit Area Map, CM-10370-WB showing disturbed area.
- EXHIBIT 3** August 15, 1991 through September 11, 1991 East Mountain Weather Chart.
- EXHIBIT 4** September 26, 1991 DOGM Inspection Report.
September 26, 1991 PacifiCorp Inspection Field Notes.
- EXHIBIT 5** September 27, 1991 PacifiCorp letter to DOGM access along 9th East access road being reestablished.
- EXHIBIT 6** October 17, 1991 DOGM Inspection Report.
November 27, 1991 DOGM Inspection Report.
- EXHIBIT 7** March 25-26, 1992 DOGM Inspection Report.
- EXHIBIT 8** March 8, 1990 DOGM Inspection Report.
March 8, 1990 PacifiCorp Inspection Field Notes.
March 9, 1990 PacifiCorp Memo.
- EXHIBIT 9** September 15, 1983 Emery Mining Weekly Inspection.
September 20, 1985 Emery Mining Weekly Inspection.

INFORMAL HEARING STATE VIOLATION N92-32-6-1

State violation NOV No. N92-32-6-1 was issued to PacifiCorp, Cottonwood Mine, ACT/015/019 on March 27, 1992 (see Exhibit 1).

The nature of the violation was listed as follows: **"Failure to comply with the terms and conditions of the approved permit. Conducting coal mining and reclamation operations outside of the approved disturbed area."**

Map CM-10370-WB, Packet 1-3 of the Cottonwood Permit shows the disturbed and permit area boundaries. The disturbed and permit area boundaries encompass the area in which the violation was issued (see Exhibit 2). Activities in this area are within the disturbed and permitted areas of the mine.

The area in question was affected by a storm event on September 6, 1991 where 2.32 inches of precipitation within a 24 hour period were received (see Exhibit 3). Heavy saturation and volume from the storm event caused the inlet of an undisturbed bypass culvert to become blocked diverting additional flow down the Ninth East Portal access road toward the Wilberg fan. The berm by the Wilberg fan became inundated and failed causing erosion of the 9th East road outslope. The erosion damage was repaired and the berm replaced September 11 & 12, 1991. (See Exhibit 10.)

This area was viewed by DOGM and PacifiCorp representatives on September 26, 1991 (see Exhibit 4). The DOGM inspection acknowledged the precipitation event and that the area was impacted from the recent storms. During this inspection the blocked culvert inlet was cleared and appropriate measures were taken to start repairs of the remaining areas.

In a letter dated September 27, 1991 to Pamela Grubaugh-Littig, PacifiCorp informed the Division that the sealing of the Ninth East Portals would now be done via the access road versus use of a helicopter since the access road would need to be redisturbed to facilitate the repair of the drainage and sediment control structures (see Exhibit 5). DOGM inspections conducted on October 17, 1991 and November 27, 1991 indicated that the appropriate measures were taken to repair any disturbance (see Exhibit 6).

The DOGM inspection report of March 25-26, 1992 (see Exhibit 7) under item #10, slides and other damage, states again **"NOV 92-32-6-1 was issued for failure to comply with the approved plan by operating outside of the disturbed area"**. This area has already been shown to be within the disturbed and permitted area. The inspection statement goes on to say **"The violation refers to material which was cast off the side of the Ninth East Portal access road. Some of the material was probably deposited by runoff water which destroyed the berm adjacent to the fan. The impacted area was previously undisturbed"**.

At the time of the March 25-26, 1992 inspection the repairs to the Wilberg fan area had already been done in the fall of 1991. The berm was in place and functionable. The disturbed markers were historically located at the slope contact to the right fork of Grimes Wash, but during a DOGM inspection on March 8, 1990 the Division suggested moving the markers to the top of the slope to prevent the operator from unnecessarily disturbing the outslope (see exhibits under Exhibit 8). Historically disturbance from storm events has

occurred in the area (see exhibits under Exhibit 9).

PacifiCorp suggests that NOV N92-32-6-1 was improperly issued for the following reasons:

1. Damage to the outslope was due to erosion resulting from a major storm event;
2. Immediate action was taken to repair damaged areas;
3. The activities occurred within the disturbed area of the mine site as identified in the current Permit Application Package;
4. The area was not "previously undisturbed" as stated in the NOV.

PacifiCorp respectfully requests that Notice Of Violation N92-32-6-1 be vacated.









NO. N 92-32-6-1

To the following Permittee or Operator:

Name PACIFICORP ELECTRIC OPERATIONS
 Mine COTTONWOOD/WILBERG ☐ Surface ☐ Underground ☐ Other
 County EMERY State EMERY Telephone 653-2312
 Mailing Address P.O. Box 1005, HUNTINGTON 84528
 State Permit No. ACT/015/019
 Ownership Category ☐ State ☐ Federal ☐ Fee ☒ Mixed
 Date of inspection 3/25-26/92 _____, 19____
 Time of inspection 3/25 + 1:30 P.M. ☒ a.m. ☐ p.m. to 4:45 ☐ a.m. ☒ p.m.
3/26 - 8:30
 Operator Name (other than Permittee) _____
 Mailing Address _____

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that cessation of mining is ☐ is not ☒ expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/mailling 3-27-92

Time of service/mailling 300 ☐ a.m. ☒ p.m.

GUY DAVIS

Permittee/Operator representative

Title

Signature

HENRY SAUER

Division of Oil, Gas & Mining representative

SENIOR RECLAMATION SOILS SPECIALIST

Title

Henry Sauer

Signature

#32

Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE/OPERATOR GOLDENROD-NOV FILE

notice of violation

NOTICE OF VIOLATION NO. N 92-32-6-1

Violation No. 1 of 1

Nature of violation

Failure to comply with the terms and conditions of the approved permit. Conducting coal mining and reclamation operations outside of the approved disturbed area.

Provisions of act, regulations or permit violated

R 645-300-143.

Portion of operation to which notice applies

DOWNCAST MATERIAL ON THE OUTSLOPE OF THE 9TH EAST PORTAL ACCESS ROAD.

Remedial action required (including any interim steps)

STEP-I (INTERIM MEASURE): PROVIDE SEDIMENT CONTROLS; PROTECT MATERIAL FROM WIND AND WATER EROSION AND OTHERWISE STABILIZE MATERIAL.

STEP-II: Include AREA INTO THE DISTURBED AREA BOUNDARIES; SEED AND FERTILIZE (IF REQUIRED) DOWNCAST MATERIAL EMPLOYING THE APPROVED RECLAMATION PROCEDURES ENUMERATED IN THE PERMIT.

Abatement time (including interim steps)

STEP-I No later than 5:00 P.M. APRIL 15, 1992

STEP-II NO LATER THAN THE SEEDING AND RECLAMATION DATES OUTLINE IN THE PERMIT



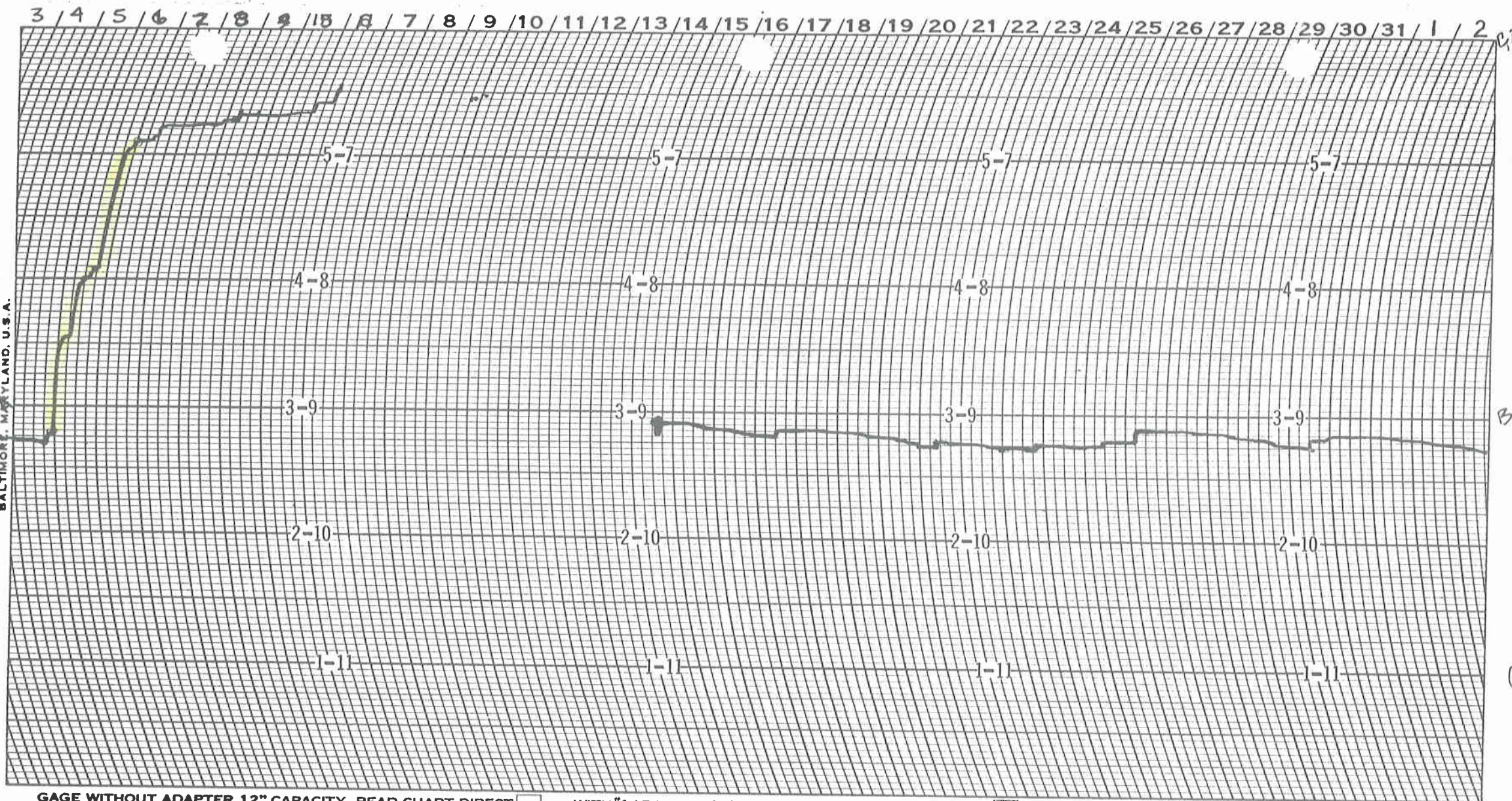






CHART NO. 15668
12-INCH DUAL TRAVERSE MONTHLY-861 HRS.
UNIVERSAL RAIN GAGE

BELFORT INSTRUMENT COMPANY
BALTIMORE, MARYLAND, U.S.A.



GAGE WITHOUT ADAPTER, 12" CAPACITY, READ CHART DIRECT ☐

WITH #1 ADAPTER, 24" CAPACITY, MULTIPLY CHART X 2 ☐

WITH #2 ADAPTER, 48" CAPACITY, MULTIPLY X 4 ☐

INCREMENTS ARE IN .05 UNITS OF 1"
APPROXIMATELY 46 INCREMENTS WERE
COUNTED FOR THE SEPTEMBER 6, 1991 STORM.
46 INCREMENTS X .05 UNITS = 2.3" OF PRECIPITATION.

1ST 6 HOUR PERIOD = 0.76" PRECIPITATION.
2ND 6 HOUR PERIOD = 0.45" PRECIPITATION.
3RD 6 HOUR PERIOD = 0.09" PRECIPITATION.
4TH 6 HOUR PERIOD = 1.02" PRECIPITATION.

OBSERVER SEIBORSKI
STATION WEST MOUNTAIN
ON 1505 AM 8/15/91
OFF 1540 PM 9/11/91

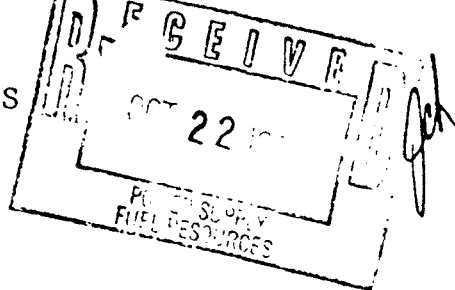


State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340



INSPECTION REPORT

INSPECTION DATE & TIME: September 26, 1991
11:35 a.m. to 2:10 p.m.

Permittee and/or Operators Name: PacifiCorp Electric Operations
Business Address: 210 S Main, Suite 2100, SLC, UT 84140-0021
Mine Name: Cottonwood/Wilberg Permit Number: ACT/015/019
Type of Mining Activity: Underground X Surface Other
County: Emery
Company Official (s): Val Payne, Bob Willey
State Official(s): Ken Wyatt
Partial: X Complete: Date of Last Inspection: 08/28-30/91
Weather Conditions: Clear and warm
Acreage: 11532 Permitted 102 Disturbed Regraded Seeded Bonded 102
Enforcement Action:

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS
1. PERMITS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. SIGNS AND MARKERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. STREAM CHANNEL DIVERSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. DIVERSIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. SEDIMENT PONDS AND IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. OTHER SEDIMENT CONTROL MEASURES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. SURFACE AND GROUNDWATER MONITORING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. EFFLUENT LIMITATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. COAL PROCESSING WASTE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. NONCOAL WASTE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS				
a. CONSTRUCTION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. SURFACING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. MAINTENANCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
UTILITY INSTALLATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INSPECTION REPORT

(continuation sheet)

Page 2 of 2

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 09/26/91

(Comments are Numbered to Correspond with Topics Listed Above)

4a. STREAM CHANNEL DIVERSIONS

All undisturbed stream diversion inlets were clear and unobstructed. The Right Fork of Grimes wash had received significant flows following the recent storm activity. The operator reported that they had received about 2.2 inches of precipitation in one 24 hour period.

4b. DIVERSIONS

The diversion around the west side of the waste rock site held up well during the last storm event. A little erosion of the channel lining just above the sediment pond had previously occurred but did not increase in depth.

4c. SEDIMENT PONDS AND IMPOUNDMENTS

The sediment ponds cleanout was completed early this week. Removed sediments were transported to the waste rock disposal facility. See comments in section 6 for sediment disposal.

4d. OTHER SEDIMENT CONTROL MEASURES

The catch basin/silt fence structure at the gate to the mine had been recently repaired. Concrete had been poured in the inlet area to control erosion of the inlet structure.

6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL

The sediments removed from the pond during cleaning had been placed in an excavated pit at the waste rock disposal area. A small seep was observed emerging from the refuse material and entering the sediment pond. This water is probably draining from the sediments and will probably cease flowing in the near future when the sediments are drier. Future inspections should examine this site.

Three trenches had been dug into the refuse material. The operator explained that this was being done to conduct the coal/refuse ratio tests as per the permit.

11. CONTEMPORANEOUS RECLAMATION

The operator indicated that the Deer Creek 9th East portals were going to be closed in the near future. Access to this area would be by helicopter or up the access road. This area was impacted from the recent storms. The strawbales along the road will be removed during the portal closure. Following closure, this entire area should be reclaimed and the access road removed.

Copy of this Report:

Mailed to: Bernie Freeman (OSM), Blake Webster & Guy Davis (PEO)

Given to: Joe Helfrich (DOGM)

Inspectors Signature: Ken Wyatt #42 Date: 10/04/91

7/26/91

COTTONWOOD PARTIAL KEN WYATT - Bob Wilkey

- ① LOOKED AT BYPASS INLET AT WATERFALL
- ② " " RIGHT FORK BYPASS INLET
- ③ " " SEDIMENT PONDS. DISCUSSED CLEANING AND POSSIBLE MODIFICATIONS TO THE PONDS RESULTING FROM THE DIVISION ORDER
- ④ LOOKED AT SEDIMENT TRAP NEAR GATE. ADDITIONAL CONCRETE HAD JUST BEEN POURED IN BOTTOM OF TRAP.
- ⑤ INSPECTED NEW WASTE ROCK SITE. DISCUSSED SED. POND SLUDGE DISPOSAL, WASTE ROCK SAMPLING TRENCHES & SAMPLING PROCEDURE. LOOKED AT BERM OUTSLOPES & SEDIMENT POND. WATER IS SEEPING INTO POND AT BASE OF FIRST WASTE ROCK BERM. TOLD KEN THERE WAS A SEEP EXPOSED DURING CONSTRUCTION OF THE POND. HE STATED THAT THE SEEP DIDN'T APPEAR TO BE CAUSING PROBLEMS WITH THE STABILITY OF THE BERM BUT HE WONDERED IF IT WAS COMING FROM THE SED. POND SLUDGE.
- ⑥ INSPECTED UNAFFECTED BYPASS INLET WEST OF THE SILD.
- ⑦ INSPECTED 9TH EAST PORTAL AREA. EXPLAINED MAINTENANCE ACTIVITIES THAT ARE PLANNED FOR THE AREA. ALSO BRIEFLY DISCUSSED PORTAL SEALING ACTIVITIES. KEN SAID HE WOULD CHECK WITH OTHER DOGM PEOPLE RE: THE STORM DAMAGE BEFORE HE DECIDED WHETHER OR NOT TO WRITE AN NOU. I TOLD HIM I THOUGHT DOGM HAD BEEN CONTACTED BY GUY WHO INFORMED THEM OF THE STORM DAMAGE.

ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2100 • SALT LAKE CITY, UTAH 84140-0021 • (801) 220-2000

September 27, 1991

Ms. Pamela Grubaugh-Littig
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

**RE: PORTAL SEALING, PACIFICORP ELECTRIC OPERATIONS, DEER CREEK
MINE, ACT/015/018, EMERY COUNTY, UTAH**

Dear Ms. Littig:

The following is submitted for your information:

Four (4) portals at the Deer Creek Mine are scheduled to be sealed in the immediate future. They include an intake portal at the Deer Creek surface facilities area and the 9th East intake portals in the Right Fork of Grimes Wash above the Cottonwood Mine. The locations are shown on the attached map sections.

The seals will be installed in accordance with the portal sealing plan, as shown in Figure 1, with the exception of backfilling. The concrete block seal will be constructed, as depicted; however, backfilling will not be done at this time.

Sealing of the 9th East portals will necessitate activities occurring on ASCA Area 5, identified in the Cottonwood PAP. The activities will include movement of men and materials across the area and possibly temporary storage of materials on portions of the ASCA.

A limited amount of equipment and materials (i.e. fire extinguishers, small electrical components, one Isuzu pickup) are to be removed from the Deer Creek Mine via the 9th East portals.

Materials used in sealing the portals will include approximately twenty (20) pallets of concrete block, 100 bags of mortar mix, four (4) 55 gallon drums of water and

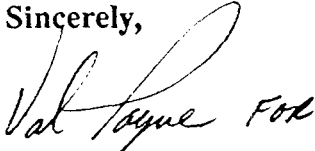
miscellaneous hand tools. Portions of these materials may be temporarily stored adjacent to the portals during the project.

Access to the portal area will be via the 9th East Access Road, as indicated on the attached map section. Access along the road is presently being reestablished to facilitate maintenance and repair of drainage and sediment control structures at the portal area and along the road. Transportation of portal sealing materials will be coordinated with the maintenance activities to avoid unnecessary surface disturbance.

Transportation of the portal sealing materials is scheduled to begin by October 1. Sealing of the 9th East portals should be completed by mid-to-late October.

If you have questions or comments regarding this information, please call me at 220-4584 or Val Payne at 653-2312.

Sincerely,

A handwritten signature in cursive script, appearing to read "Val Payne For".

J. Blake Webster
Permitting Administrator

VP/dw
Enclosure

cc: M. Moon
L. LaFrentz
G. Davis



State of Utah

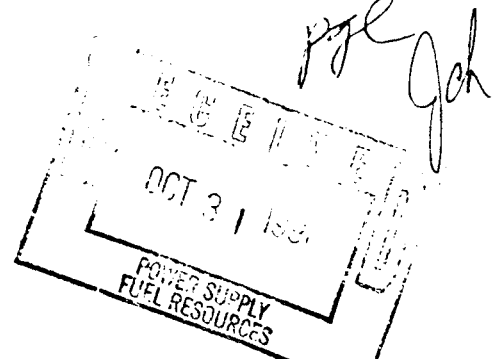
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340



INSPECTION REPORT

INSPECTION DATE & TIME: October 17, 1991
9:50 a.m. to 1:25 p.m.

Permittee and/or Operators Name: PacifiCorp Electric Operations
Business Address: 210 S Main, Suite 2100, SLC, UT 84140-0021
Mine Name: Cottonwood/Wilberg Permit Number: ACT/015/019
Type of Mining Activity: Underground X Surface Other
County: Emery
Company Official (s): Val Payne, Bob Willey, Guy Davis
State Official(s): Ken Wyatt Date of Last Inspection: 09/26/91
Partial: X Complete:
Weather Conditions: Clear and warm
Acreage: 11532 Permitted 102 Disturbed Regraded Seeded Bonded 102
Enforcement action: AVS check

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS
1. PERMITS	(X)	()	()	()
2. SIGNS AND MARKERS	(X)	()	()	(X)
3. TOPSOIL	()	()	()	()
4. HYDROLOGIC BALANCE:				
a. STREAM CHANNEL DIVERSIONS	()	()	()	()
b. DIVERSIONS	()	()	()	()
c. SEDIMENT PONDS AND IMPOUNDMENTS	()	()	()	()
d. OTHER SEDIMENT CONTROL MEASURES	(X)	()	()	(X)
e. SURFACE AND GROUNDWATER MONITORING	()	()	()	()
f. EFFLUENT LIMITATIONS	()	()	()	()
5. EXPLOSIVES	()	()	()	()
6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL	(X)	()	()	(X)
7. COAL PROCESSING WASTE	()	()	()	()
8. NONCOAL WASTE	()	()	()	()
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	()	()	()	()
10. SLIDES AND OTHER DAMAGE	()	()	()	()
11. CONTEMPORANEOUS RECLAMATION	()	()	()	()
12. BACKFILLING AND GRADING	()	()	()	()
13. REVEGETATION	(X)	()	()	(X)
14. SUBSIDENCE CONTROL	()	()	()	()
15. CESSATION OF OPERATIONS	()	()	()	()
16. ROADS				
a. CONSTRUCTION	()	()	()	()
b. DRAINAGE CONTROLS	(X)	()	()	(X)
c. SURFACING	()	()	()	()
d. MAINTENANCE	()	()	()	()
17. OTHER TRANSPORTATION FACILITIES	()	()	()	()
18. SUPPORT FACILITIES				
UTILITY INSTALLATIONS	()	()	()	()

INSPECTION REPORT

(continuation sheet)

Page 2 of 2

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 10/17/91

(Comments are Numbered to Correspond with Topics Listed Above)

2. SIGNS AND MARKERS

The mine identification signs at the mine entrance, the waste rock disposal area, and the leachfield were examined for completeness and accuracy. Pacificorp recently changed it's mailing address as denoted in the mine permit at the field office. The signs were displaying the old address. The operator was informed to correct these signs with the updated address within 60 days.

4d OTHER SEDIMENT CONTROL MEASURES

The Deer Creek 9th East portals were accessed up the old road near the Wilberg fan. Materials for the portal closure were hauled up this road and stockpiled on the pad outside of the portals. The portal closure work was scheduled to begin soon.

The drainage controls along the road were temporarily removed to allow access to the portal pad with a small dozer. The drainage from this area flows down the access road into a catch basin south of the fan.

A discussion was held regarding the re-installment of the alternative sediment control along the access road following portal closure. The operator said that they would be re-establishing the ditch and check dams as soon as the closure work was completed. As a precaution, I had the operator install additional silt fence and straw bales at the upper portal pad and along the berm adjacent to the fan. This work was completed during the inspection.

6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL

The sediments disposed of at the waste rock facility were drying. Large drying cracks were observed in the surface. When this material dries sufficiently the operator intends to spread these sediments out and incorporate it into the waste rock. The seep into the sediment pond at the base of the refuse embankment was flowing less than 1 GPM.

13. REVEGETATION

The access to the Deer Creek 9th East portals disturbed in the closure process will need to be reseeded and mulched following completion of the work. The interim seed mix should be used on of the areas recently disturbed followed by application of a suitable mulch. Pacificorp should strongly consider reclamation of this area next year since the portals will be sealed and the area no longer used for mining purposes.

16b. ROAD: DRAINAGE CONTROLS

As described above the access road to the Deer Creek 9th East portals was re-disturbed in order to access the portal pad with materials and equipment. Drainage and sediment controls were upgraded during the inspection as described above.

Copy of this Report:

Mailed to: Bernie Freeman (OSM), Blake Webster & Guy Davis (PEO)

Given to: Joe Helfrich (DOGM)

Inspectors Signature: Ken Wyatt #42 Date: 10/28/91



inspection report

Permit No. Act/c15/c19

Inspection Date Nov. 27, 1991

Permittee/Operator Name Pacific Corp Operation
Business Address 210 S. Main, Suite 2100
City Salt Lake City State Ut Zip 84140-0021
Mine Cottawood Wellberg ☐ Surface ☒ Underground ☐ Other
County Emery State Ut
Company Official(s) Guy Davis, Bob Willey
State Official(s) Bill Malenak
Time of inspection 10:00 ☒ a.m. ☐ p.m. to 4:00 ☐ a.m. ☒ p.m. ☐ Partial ☒ Complete
Date of last inspection 10/17/91 Weather conditions Clear/Cool
Acreage 11532 ☐ Permitted 102 ☐ Disturbed ☐ Regraded ☐ Seeded 102 ☐ Bonded
Enforcement Action None

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

ROUTE

☐ GUY DAVIS

☒ VAL PROVE
1. Permits
2. Signs and markers

☒ JERRY POLLOCK
3. Topsoil
4. Hydrologic balance

☐ DEBRA WARRINGTON
— Stream channel diversions
— Diversions

— Sediment ponds and
impoundments

— Other sediment control
measures

— Surface and groundwater
monitoring

— Effluent limitations

5. Explosives

6. Development waste and
spoil disposal

7. Coal processing waste

8. Noncoal waste

YES NO N/A COMMENTS

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9. Protection of fish, wildlife, and
related environmental values

10. Slides and other damage

11. Contemporaneous
reclamation

12. Backfilling and grading

13. Revegetation

14. Subsidence control

15. Cessation of operations

16. Roads

— Construction

— Drainage controls

— Surfacing

— Maintenance

17. Other transportation facilities

18. Support facilities and utility
installations

YES NO N/A COMMENTS

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INSPECTION REPORT COMMENTS

Permit No. Act/015/019

Inspection Date 11/27/91

Please number comments to correspond with topics on previous page.

General Comments The previous three day complete inspection conducted the last of August which was also an OSM oversight inspection covered in exhaustive detail the records and site field requirements. Therefore this inspection covered the records for the 3rd quarter, not available at the last inspection (ie not required until end of the quarter. Also the field and concentrating on the followup and maintenance items.

Pending Issues

- Division Order on the sediment pond. The permit defect related to spillways ie, only one spillway. The permittee responded by proposing another spillway. The matter is under review by the Division.
- ✓ • Refuse pile is involved in a Division Order. The issues concern not fully meeting performance standards on six items. The operator response is not due at this time.
- Haul road is the subject of a federal violation. The issue concerns the permitting of the haul road. The road in question is controlled by the

Copy of report mailed to _____

Copy of report given to _____

Inspector's signature _____ No. _____

WHITE - DOGM YELLOW - OSM PINK - PERMITTEE / OPERATOR GOLDENROD - NOV FILE



INSPECTION REPORT COMMENTS

Permit No. Act/015/019

Inspection Date 11/27/91

Please number comments to correspond with topics on previous page.

Utah Department of Transportation. The permittee has appealed the federal NOV under procedures outlined in the Administrative Procedures Act. The hearing before a USOI administrative law judge was scheduled for Dec 09. However, the permittee stated he was advised that OSM had requested a continuance and the judge approved it with a hearing date for March 1992.

Diversions. The permittee had to make some minor repairs to the undisturbed diversion adjacent to the Deer Creek Portals. Such work was the result of "block" sealing the three Deer Creek Portals.

Sediment Pond. The permittee had completed work on providing additional inlet protection on the S. pond as mentioned in the previous complete inspection.

Refuse Pile. About 7/8 of the refuse pile is covered with sediment from the Deer Bee Dome pond cleanup project. Checked the Deer Bee Dome pond and estimate that 3/4 of the pond has been cleaned. The remaining cleanup area is adjacent to the embankment/oil skimmer. Six permit deficiencies were identified wherein the design/plan does not fully and/or clearly meet the regulatory performance standards.

Copy of report mailed to _____

Copy of report given to _____

Inspector's signature _____

No. _____

WHITE - DOGM YELLOW - OSM PINK - PERMITTEE/OPERATOR GOLDENROD - NOV FILE



INSPECTION REPORT COMMENTS

Permit No. Act/015/019

Inspection Date 11/27/91

Please number comments to correspond with topics on previous page.

The permit deficiencies were identified prior to the official start of the formal inspection.

Revegetation The redanned road to the Deer Creek portals, with formal division approval, was used to haul smelter items from the portals and to "block seal" the three portals. The permittee has reclaimed the road as specified by the Division including seeding and matting the redisturbed areas. Also straw bale water bars are to be placed on the road before this project is completed.

Copy of report mailed to PCED/Guy Davis; OSM/Bruce Smith; DOGM/Dae Helbrech

Copy of report given to PCED

Inspector's signature

Mr. J. G. Helbrech

No. 26

WHITE - DOGM YELLOW - OSM PINK - PERMITTEE/OPERATOR GOLDENROD - NOV FILE

12/5/91



State of Utah

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL, GAS AND MINING

Norman H. Bangert
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

gpg

INSPECTION REPORT

INSPECTION DATE & TIME: March 25, 1992 - 1:30 pm to 4:30 pm
March 26, 1992 - 8:30 am to 3:00 pm

Permittee and/or Operators Name: PacifiCorp Electric Operations
Business Address: 210 S Main, Suite 2100, SLC, UT 84140-0021
Mine Name: Cottonwood/Wilberg Permit Number: ACT/015/019
Type of Mining Activity: Underground ☒ Surface ☐ Other ☐
County: Emery Federal Official(s): None
Company Official(s): Guy Davis, Karl Housekeeper
State Official(s): Henry Sauer
Partial: ☐ Complete: ☒ Date of Last Inspection: 2/19/92
Weather Conditions: Clear and cool
Acreage: Permitted-11,532 Disturbed-102 Regraded-☐ Seeded-☐
Bonded-102 Enforcement Action: NOV N92-32-6-1

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS
1. PERMITS	(X)	()	()	(X)
2. SIGNS AND MARKERS	(X)	()	()	()
3. TOPSOIL	(X)	()	()	()
4. HYDROLOGIC BALANCE:				
a. STREAM CHANNEL DIVERSIONS	(X)	()	()	()
b. DIVERSIONS	(X)	()	()	(X)
c. SEDIMENT PONDS AND IMPOUNDMENTS	(X)	()	()	()
d. OTHER SEDIMENT CONTROL MEASURES	(X)	()	()	(X)
e. SURFACE AND GROUNDWATER MONITORING	(X)	()	()	()
f. EFFLUENT LIMITATIONS	(X)	()	()	()
5. EXPLOSIVES	()	()	(X)	()
6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL	(X)	()	()	(X)
7. COAL PROCESSING WASTE	()	()	(X)	()
8. NONCOAL WASTE	(X)	()	()	()
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	(X)	()	()	()
10. SLIDES AND OTHER DAMAGE	(X)	()	()	(X)
11. CONTEMPORANEOUS RECLAMATION	(X)	()	()	(X)
12. BACKFILLING AND GRADING	(X)	()	()	()
13. REVEGETATION	(X)	()	()	(X)
14. SUBSIDENCE CONTROL	()	(X)	()	()
15. CESSATION OF OPERATIONS	()	()	(X)	()
16. ROADS				
a. CONSTRUCTION	(X)	()	()	(X)
b. DRAINAGE CONTROLS	(X)	()	()	(X)
c. SURFACING	(X)	()	()	()
d. MAINTENANCE	(X)	()	()	()
17. OTHER TRANSPORTATION FACILITIES	(X)	()	()	()
18. SUPPORT FACILITIES				
UTILITY INSTALLATIONS	(X)	()	()	()

an equal opportunity employer

INSPECTION REPORT

(continuation sheet)

Page 2 of 4

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 3/25-26/92

(Comments are Numbered to Correspond with Topics Listed Above)

1. PERMITS

The permittee received the air quality permit approval for the Cottonwood/Wilberg Waste Rock Storage Facility on December 12, 1991. The Division of Air Quality set the "rolling" twelve month tonnage limit at 50,000 Tons. This total will be based on daily operation records. In addition the permittee must maintain a daily record of the access road watering. Mr. Davis informed me that PEO elected to apply chemical dust suppressants on the access road instead of daily watering.

The insurance policy (Policy # XO 296A1A92) for the mine was renewed recently and is effective for one year beginning on February 24, 1992. The reclamation bond is set at \$2,071,098.

The following records were reviewed and found in good order: Fourth Quarter of 1991 - sediment pond inspections, waste rock engineering reports, UPDES monitoring reports, and the water monitoring reports. It should be noted that the North Sediment Pond was cleaned of sediment during the first and third quarter of 1991 and the South Sediment Pond was cleaned during the third quarter of 1991.

4b. HYDROLOGIC BALANCE: DIVERSIONS

✓ The culvert underneath the entrance to the main parking lot is slight crushed at the outlet. The culvert is fully functional but must be repaired.

4d. HYDROLOGIC BALANCE: OTHER SEDIMENT CONTROL MEASURES

✓ The silt fence adjacent to the mine entrance gate has been slightly undercut by piping action. This is probably due to poor soil compaction and/or incorrect silt fence installation. The permittee was instructed to repair the structure.

The positioning of silt fence immediately down dip of the former location of the Guard Shack must be reevaluated. The silt fence is part of the sediment control features for the ASCA below

INSPECTION REPORT

(continuation sheet)

Page 3 of 4

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 3/25-26/92

the shack. However, the silt fence was placed at the bottom of an undisturbed channel. The concern is that ephemeral flow within the channel may destroy the silt fence. The operator was instructed to evaluate the possibility of repositioning the fence.

The slope below the Secondary Crusher has been grouted.

6. DISPOSAL OF DEVELOPMENT WASTE

✓ Some of the curlex matting on the first berm of the waste rock site has blown off. The operator was instructed to reapply the matting.

10. SLIDES AND OTHER DAMAGE

NOV 92-32-6-1 was issued for failure to comply with the approved plan by operating outside of the disturbed area. The violation refers to material which was cast off the side of the Ninth East Portal access road. Some of the material was probably deposited by runoff water which destroyed the berm adjacent to the fan. The impacted area was previously undisturbed.

11. CONTEMPORANEOUS RECLAMATION

✓ The Ninth East portals have been sealed and air monitoring piping installed. All indication from the operator are that this area will not be required for mining operations in the future. Therefore, in accordance with the contemporaneous reclamation regulations, this area should be fully reclaimed.

13. REVEGETATION

✓ The excelsior matting on the Ninth East portal access road was not properly stapled and portions of the matting has blown off the surface. The operator was instructed to reapply the matting.

INSPECTION REPORT

(continuation sheet)

Page 4 of 4

PERMIT NUMBER: ACT/015/019

DATE OF INSPECTION: 3/25-26/92

16a. ROADS: CONSTRUCTION

The permittee has submitted a response (March 20, 1992) to the mid-term permit review. One of the review issues was the classification of roads as either primary or ancillary. The operator submittal is presently under review. However, by the completion of this permitting action each road on site should be classified as primary or ancillary.

16b. ROADS: DRAINAGE CONTROLS

✓ The Typical Road Cross-Section, Plate 7704-C-50 must be revised or footnoted to accurately represent the road drainage control features.

Copy of this Report:

Mailed to: Bernie Freeman (OSM), Blake Webster & Guy Davis (PEO)

Given to: Joe Helfrich (DOGM)

Inspectors Signature: Henry Lauer

#32

Date: 3/31/92

INSPECTION REPORT COMMENTS

Permit No. ACT/015/019

Inspection Date 3/8/90

Please number comments to correspond with topics on previous page.

GENERAL COMMENTS Blake Webster, UP&W mgt trainee accompanied Guy Davis and the undersigned on this inspection.

I was advised that the name of the mine is now Cottonwood and the name Welberg has been dropped from the title.

Signs & Markers

IO signs on the waste rock site were again discussed. Signs have not yet been placed at each access from a public road to the waste rock sites. However the operator has moved the sign as previously instructed by the Division, which is now considered inappropriate. Rather than moving the existing sign, the operator plans to add additional signs at each access point of a public highway.

Some minor adjustments were suggested on the disturbed markers in the vicinity of the right fork of Primer Wash.

Other Sediment Control The operator was working on the sediment control measures on (1) the three Deer Creek Portals and (2) The sediment basin below the reclaimed road to the Deer Creek Portals.

Copy of report mailed to UP&W/Guy Davis/SAC For OSM/Bruce Smith/Dorm Int'l

Copy of report given to PFO

Inspector's signature

Sam J. Chalovich

No. 26

WHITE - DOGM YELLOW - OSM BINK - PERMITEE/OPERATOR GOLDENROD - NOV FILE

DOGM: IR-2

3/12/90

an equal opportunity employer

11/86 001049

EXHIBIT 8

3-8-90

COTTONWOOD / PARTIAL

BILL MALINXIK + BLAKE WEBSTER

- ✓ * 1. Complete silt fence project at DC portals
- ✓ * 2. Complete strawbale treatment along the access road to DC breakouts.
- 3. Is the old road down to L. fork of Grimes Wash a pre-SMA/RA item?
- ✓ * 4. Complete SPE pond at Wilberg Ln area.
- ✓ * 5. ORDER SIGN FOR LEACH-FIELD ... HAVE INSTALLED
- ✓ 6. order another sign for WRS ... HAVE INSTALLED
- ✓ * 7. Remove Perimeter signs (2) along R. Fork of Grimes Wash

CLOSEOUT

* Items to be addressed (1, 2, 4, 5, 7)

#6 place the sign at the active gate (cell #7) and lock the gate to the rock storage. No new sign is required per Bill Malinixik.

DATE: March 9, 1990
TO: Morgan Moon
FROM: Guy Davis *Guy*
SUBJECT: DOGM Inspections/Deer Creek (Complete) and
Cottonwood (Partial)

During an inspection at the mine sites, the following items of concern were observed. Please see that all items are addressed by March 23, 1990. Any item with an asterisk should be addressed as soon as possible.

DEER CREEK MINE

<u>CONCERN</u>	<u>ACTION REQUIRED</u>	<u>PERSON</u>	<u>OCCURRENCE</u>
WASTE ROCK SITE AREA			
Rills have developed on the inslope of the berm just west of the spillway.	Fill in rills by hand. Place small berm along edge to prevent the runoff from going over.	M. Moon	1
Erosion on cutslopes above access road.	Will meet with you to devise a corrective plan.	M. Moon	3
C2 CONVEYOR AREA			
*Silt fence material between IU 122-132 has fallen in areas.	Wire up the material.	M. Moon	2
C1 CONVEYOR & SED. POND AREA			
Sediment pond access road is not drawn on the facilities map. Revisions in plan may be necessary.	Revise map. Drainage along road is required also.	G. Davis	1

<u>CONCERN</u>	<u>ACTION REQUIRED</u>	<u>PERSON</u>	<u>OCCURRENCE</u>
Culvert under sed. pond road at temp. sed. basin area is allowing flow under the culvert.	Correct the problem.	M. Moon	2
*Silt fence at sed. pond turnoff is full.	Clean out sediment.	M. Moon	2
*North silt fence where belt crossed the mine road is full.	Clean out sediment.	M. Moon	2
*South sed. trap where belt crosses the mine road has a hole in bottom allowing flow under the material.	Repair the hole.	M. Moon	2
TIPPLE/ELK CANYON AREA			
*Both sed. traps are full.	Clean out traps and develop a regular cleaning schedule.	D. Norton	2
Bottom of silt fence material is not buried at Elk Canyon bypass.	Bury bottom when soil permits.	M. Moon	2
Culvert outlets across from guard station need to be cleaned. (2)	Clean out outlets.	D. Norton	1

COTTONWOOD MINE SITE

COTTONWOOD #2 FAN AREA

Silt fence is needed at DC breakouts.	Complete the fencing project.	M. Moon	2
Revegetated access road to DC breakouts need strawbale dikes installed.	Complete the started project.	M. Moon	2

<u>CONCERN</u>	<u>ACTION REQUIRED</u>	<u>PERSON</u>	<u>OCCURRENCE</u>
SAE pond project is not completed.	Complete the project.	M. Moon	2
Remove (2) perimeter signs along East side of the Right Fork of Grimes Wash.	Remove signs.	M. Moon	1
LEACH FIELD/WRS AREA			
ID sign is required at leach field.	Order and install sign.	G. Davis M. Moon	1
ID sign at WRS needs moved, hopefully for the last time!	Place at Cell #7 (active gate) and lock the rock pile gate.	M. Moon R. Justesen	1

If you have any questions, please call me at ext. 263.

cc: Guy Davis
Ralph Justesen
Dale Norton
Dave Smaldone
File

WEEKLY SURFACE INSPECTION

MINE WILBERGDATE SEPT. 15, 83

LOCATION	CODE	DESCRIPTION OF PROBLEM	REQUIRED ACTION	DATE COMPI	COMPL.
MATERIAL YARD	2	CULVERT OUTLET CLOGGED WITH SEDIMENT.	CLEAN OUTLET		
			CONSIDER REDESIGN OF OUTLET AS INDICATED IN INSPECTION OF 7/27/83.		
" "	1	DRAINAGE AT MATERIAL YARD OFFSIDE NOT DEFINED	CHECK DRAINAGE PLAN.		
FIRST S. PORTAL	1	EROSION AROUND INLET STRUCTURE	REPAIR EROSION		
FAN FUEL TANK	1	EROSION DOWN SLOPE FROM PAD.	REPAIR EROSION. ** SUGGEST BUILDING BERM BETWEEN FUEL TANK AND ROCK LEDGE TO DIRECT WATER AWAY FROM PAD AND INTO ESTABLISHED CHANNEL.		
FAN Access Road	1	WATER BARS HAVE BEEN CONSTRUCTED TO CONTROL FLOODING. MAJOR EROSION HAS OCCURRED DOWN SLOPE AT OLD FAN.	REMOVE WATER BARS, REPAIR EROSION DAMAGE AND REESTABLISH APPROVED DRAINAGE.		***
9th E. Portal Road	1	DRAINAGE CHANNEL HAS BEEN ERODED BY FLOOD WATERS.	REMOVE COAL FOTHER SEDIMENT FROM CHANNEL. REPLACE STRAW BALES IN CHANNEL. ** SUGGEST PLACING ROCKS ALONG DOWNSTREAM SIDE OF STRAW BALES.		
MINE ROAD	1	STRAW BALES IN UNAFFECTED DRAINAGE NEED TO BE REPLACED	CLEAN SEDIMENT & MATERIAL OUT OF DRAINAGE & REPLACE STRAW BALES.		

COMMENTS: *** THIS ITEM IS MUST BE CORRECTED IMMEDIATELY.

PERMANENT SOLUTION TO DRAINAGE PROBLEMS TO BE DEVELOPED BY CENTRAL ENGINEERING.

Code

1. New Problem
2. 2nd Occurrence
3. 3rd Occurrence

Bill Zeck
Jim Hamlin
MATTIE HARRIS

Val Payne SS
Construction Manager

Richard Mathias
Surface Yard Foreman

EXHIBIT 9

WEEKLY SURFACE INSPECTION

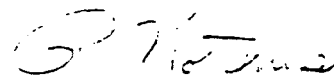
MINE: COTTONWOODDATE: SEPT. 20, 1995

Location	Code	Description of Problem	Required Action
WILBERG FAN (ABC)	1	PONDED WATER - BREACHED BERM EROSION OF SLOPE	DRAIN WATER - USING PUMP HOSE & INTO DRAIN BY TRANSFER TRIPPLE.
9 th EAST ROAD (ABC)	2	EROSION - SILT BUILDUP - BALES OF STRAW DAMAGED.	- CLEANUP - REMOVE SILT - EROSION WITH DRAIN ROLL - DICES & STRAW BALES.
3 rd EAST DIP CHUTE (ABC)	1	SCRAPER CAUSES RIDE BACK OF SILT MATERIAL ALONG UNDERSIDE OF BELT & DROPS MAT. ONTO EMBANKMENT SIDING & BASE OF CHUTE	PROVIDE A MEANS TO ELIMINATE PROBLEM.
12" DRAIN AT BASE OF SLOPE IN MATERIAL YARD	1	DRAINAGE IS BEING DIRECTED TO SLOPE CAUSING EROSION.	ELIMINATE THE EROSION PROBLEM - REDIRECT WATER ONTO PAD

COMMENTS:

Code

1. New Problem
2. 2nd Occurrence
3. 3rd Occurrence



Construction Manager

11499

EMPLOYEE: Larry R. Roberts DATE: 9-11-91
 CONTRACTOR: J.W.R. DAY: Wed

PROJECT TITLE:	PROJECT #:	RATE	TIME IN	TIME OUT	S.T.	O.T.	D.T.	COST
<u>C.W. Silo</u>	<u>45-8090</u>	<u>13</u>	<u>8:00</u>	<u>2:00</u>	<u>6</u>			
<u>asm work</u>	<u>45-8089</u>	<u>13</u>	<u>2:00</u>	<u>4:00</u>	<u>2</u>			

*Employee must separate his time for each separate project.

SUBTOTAL:

EQUIPMENT: MODEL & NO.	PROJECT #	HOURS	RATE	COST
<u>P9 Pickup</u>	<u>45-8089</u>	<u>8</u>		

*Employee must separate equipment time for each separate project.

SUBTOTAL:

DAILY TOTAL:

DESCRIPTION OF WORK PERFORMED:

asm work, silo

Kenneth Rasmussen 9-12-91
 CONTRACTORS REPRESENTATIVE DATE

ENERGY WEST CONSTRUCTION SUPERVISOR

9/22/91
 DATE

ENERGY WEST MINING COMPANY APPROVAL:

DATE

DATE _____

11463

EMPLOYEE:

Paul Hardman

DATE:

9-12-91

CONTRACTOR:

TWR

DAY:

Thurs

PROJECT TITLE:	PROJECT #:	RATE	TIME IN	TIME OUT	S.T.	O.T.	D.T.	COST
<i>Colton wood Compliance</i>	<i>B</i>		<i>8</i>	<i>12</i>	<i>4</i>			
<i>11</i>	<i>11</i>	<i>Catwalk B</i>	<i>12</i>	<i>4</i>	<i>4</i>			
	<i>(4)</i>	<i>45-8089</i>						
	<i>(4)</i>	<i>45-8096</i>						

*Employee must separate his time for each separate project.

SUBTOTAL:

EQUIPMENT: MODEL & NO.	PROJECT #	HOURS	RATE	COST

*Employee must separate equipment time for each separate project.

SUBTOTAL:

DAILY TOTAL:

DESCRIPTION OF WORK PERFORMED:

Compliance filled in Water Reels
Got over and started Cat Walk from
Point Bank out to Valve

Kenneth W. Remington

CONTRACTORS REPRESENTATIVE

9-16-91

DATE

ENERGY WEST CONSTRUCTION SUPERVISOR

*[Signature]**9/23/91*

DATE

ENERGY WEST MINING COMPANY APPROVAL:

DATE



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

*Informal Hearing
Sale*

May 26, 1992

CERTIFIED RETURN RECEIPT REQUESTED
No. P 540 713 897

Val Payne, Senior
Environmental Engineer
PacifiCorp Electric Operations
P. O. Box 1005
Huntington, Utah 84528

Dear Mr. Payne:

Re: Informal Hearing for State Violation N92-32-6-1, ACT/015/019,
Cottonwood/Wilberg Mine, PacifiCorp Electric Operations, Emery County, Utah

In accordance with your request dated May 8, 1992, please be advised that the Informal Hearing on state violation N92-32-6-1, Cottonwood/Wilberg Mine, has been established for Wednesday, June 17, 1992, beginning at 9:00 a.m.

Pertinent, written material you wish reviewed before the conference can be forwarded to me at the address listed above.

The conference will held in the office of the Division of Oil, Gas and Mining.

Best regards,

Dianne R. Nielson
Director

vb

cc: B. Webster, PacifiCorp
B. Freeman, OSM
J. Helfrich
DOGM Price Office
Public Notice Board

*Informal
Sale*

ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2100 • SALT LAKE CITY, UTAH 84140-0021 • (801) 220-2000

ack 5/4/92

May 8, 1992

**Mr. Joseph C. Helfrich
Assessment Officer
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203**

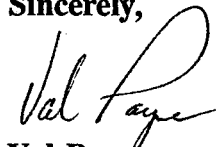
RE: REQUEST FOR INFORMAL CONFERENCE - STATE VIOLATION NO. N92-32-6-1, PACIFICORP, COTTONWOOD/WILBERG MINE, ACT/015/019, FOLDER #5, EMERY COUNTY, UTAH

Dear Mr. Helfrich:

In response to your letter dated April 21, 1992, PacifiCorp respectfully requests an Informal Conference to address State Violation No. N92-32-6-1.

Thank you for your consideration in this matter. If necessary, you can contact me at 653-2312.

Sincerely,



**Val Payne
Sr. Environmental Engineer**

**cc: J. Blake Webster
File**

file

BEFORE THE DIVISION OF OIL GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE APPEAL	:	FINDINGS, CONCLUSIONS
OF FACT OF VIOLATION N92-32-6-1,		AND ORDER
PACIFICORP ELECTRIC OPERATIONS,	:	
COTTONWOOD/WILBERG MINE,		INFORMAL HEARING
ACT/015/019, EMERY COUNTY, UTAH :		CAUSE NO. ACT/015/019

---ooOoo---

On June 17, 1992, the Division of Oil, Gas and Mining ("Division") held an informal hearing at the request of the Operator, Pacificorp Electric Operations ("Pacificorp"), concerning the fact of violation for the above-referenced Notice of Violation ("NOV"). The following individuals attended:

Presiding:	Dianne R. Nielson, Director Division of Oil, Gas and Mining
Petitioner: ("Pacificorp")	Val Payne Sr. Environmental Engineer Karl Houskeeper Assoc. Environmental Engineer
Division:	Lowell Braxton Associate Director for Mining Henry Sauer Reclamation Specialist Issuing Inspector
Board:	Joe Helfrich Assessment Officer Penalty Assessment Ronald W. Daniels Assessment Conference Officer Penalty Assessment

The Findings, Conclusions, and Order in this matter are based on information provided in connection with this informal hearing, and information in the files of the Division.

FINDINGS OF FACT

1. Notice of this hearing was properly given.
2. The Assessment Conference to review the proposed penalties for NOV N92-32-6-1 was held immediately following this informal hearing regarding fact of violation. Requirement to pay the assessed penalty is stayed pending the decision in the informal review of fact of violation.
3. NOV N92-32-6-1 was issued on March 27, 1992, based on an inspection conducted on March 25-26, 1992, at the Cottonwood/Wilberg Mine.
4. NOV N92-32-6-1 was written for failure to comply with the terms and conditions of the approved permit; conducting coal mining and reclamation operations outside of the approved disturbed area, in violation of Utah Admin. R.645-300-143. The violation applies to downcast material on the outslope of the Ninth East portal access road.
5. The material was considered by the inspector to have been downcast onto the outslope of the undisturbed drainage Area 6. The inspection report for March 25-26, 1992 notes that some of the material was probably deposited by runoff which destroyed the berm adjacent to the fan, along the road, during a storm event.

6. Pacificorp states that the material was washed down or naturally downcast when the berm on the road was breached during a storm event on September 6, 1991, which exceeded design standards. Rainfall amounts are documented.

7. Pacificorp provided evidence that the erosion damage was repaired and the berm replaced on September 11-12, 1991.

8. In a letter dated September 27, 1991, from Pacificorp to the Division, Pacificorp indicated that it would use the Ninth East portal access road for access to seal the Ninth East portals, since the access road would need to be re-disturbed to facilitate repair of the drainage and sediment control structures, as a result of the storm damage.

9. Inspections conducted by the Division on October 17, 1991 and November 27, 1991, indicated the repairs to the drainage and sediment control structures were completed.

10. The material deposited on the outslope was not reseeded and no sediment control structures were in place to collect and treat drainage from the downcast material.

11. Pacificorp stated during the informal conference that they did not revegetate the downcast material because they felt that there was sufficient existing vegetation to stabilize the downcast material.

12. Pacificorp has since reseeded the area and installed sediment control structures in accordance with the remedial action required in NOV N92-32-6-1.

13. Ken Wyatt, Division Reclamation Specialist, has stated that he instructed Pacificorp during a previous inspection to reseed the area of downcast material on the outslope of the portal access road. This was provided as verbal direction, but was not documented in the inspection report.

14. Map 1 and Map 2 (scale 1"=100') of Appendix XIII designate boundaries of disturbed and undisturbed areas for hydrologic (drainage control) purposes. From these maps, it can be seen that the subject portal access road is designated as a Small Area Exemption (SAE). The outslope of the road, where the material was downcast, is outside the boundary of the SAE and is included within the undisturbed drainage area.

15. Pacificorp contends that the outslope of the portal access road, where the material was downcast, is within the disturbed area, as illustrated in Map 1-3, Drawing # CM-10370-WB (scale 1"=1000'), entitled Permit Area Map.

16. Maps 1 and 2 in Appendix XIII, because of the more detailed scale, provide a more accurate delineation of the boundary between the disturbed and undisturbed area. Those maps are also specifically designated as the reference maps for the purpose of delineating the boundaries of disturbed drainage areas. Maps 1 and 2 clearly indicate that the outslope of the portal access road, where the material was downcast, is within the undisturbed area.

CONCLUSIONS OF LAW

1. The transport of the downcast material from the bermed SAE onto the outslope, which is within the undisturbed drainage, is in violation of the approved permit.

2. The storm event which caused the problem was in excess of the design criteria for the undisturbed bypass culvert. The repairs to the road, berm, and culvert areas in the SAE as well as the repair of downcast material and erosion on the outslope of the road were made in a timely manner. However, the placement of sediment control structures and the reseeding necessary to protect the outslope within the undisturbed drainage area were not conducted in a timely manner.

3. The confusion or disagreement as to the boundary of the undisturbed area is not justification for the lack of action, since the maps necessary to resolve the question were available within Pacificorp's permit application package.

4. Pacificorp has complied with Step I and the reseeding required in Step II of the remedial action required in NOV N92-32-6-1.

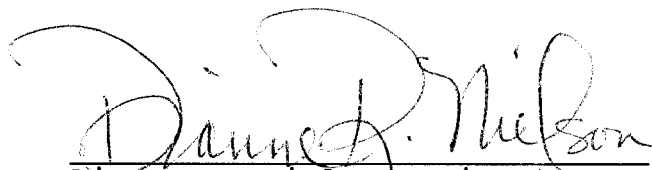
5. Pacificorp has not submitted the plan amendment required in Step II of the remedial action in NOV N92-32-6-1.

ORDER

NOW THEREFORE, it is ordered that:

1. NOV N92-32-6-1 is upheld.
2. Pacificorp should submit a plan amendment, as required in Step II of NOV N92-32-6-1 remedial action, within 30 days of the date of this order.
3. The finalized assessment, resulting from the Assessment Conference regarding N92-32-6-1, is due and payable to the Division 30 days from the date of this Order.
4. The Petitioner may appeal to the Board of Oil, Gas and Mining the informal determination of fact of violation and/or finalized assessment by filing said appeal within 30 days of the date of this Order, in accordance with statutory and regulatory requirements, including placing the assessed civil penalty in escrow.

SO DETERMINED AND ORDERED this 16th day of July, 1992.


Dianne R. Nielson, Director
Division of Oil, Gas and Mining
State of Utah

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS AND ORDER for Cause No. ACT/015/019 to be mailed by certified mail, postage prepaid, the 16th day of July 1992, to the following:

Val Payne
Pacificorp Electric Operations
P. O. Box 1005
Huntington, Utah 84528

Kim A. Kubota

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

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- Endorse article "Return Receipt Requested" adjacent to number.



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OIL, GAS, & MINING

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3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
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Inform. Ord. ACT/015/019

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1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

Val Payne
Pacifcorp Electric Operations
PO Box 1005
Huntington UT 84528

4. Article Number
P 657 444 066

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☒ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Address
X

6. Signature — Agent
X *Mrs. Warrington*

7. Date of Delivery
JUL 22 1992

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988

★ U.S.G.P.O. 1988-212-865

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P 657 444 066
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NOT FOR INTERNATIONAL MAIL
(See Reverse)

Inform. Ord. ACT/015/019

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P.O. State and ZIP Code	Huntington UT 84528								
Postage	\$5.22								
Certified Fee	1.00								
Special Delivery Fee									
Restricted Delivery Fee									
Return Receipt showing to whom and Date Delivered									
Return Receipt showing to whom, Date, and Address of Delivery									
TOTAL Postage and Fees	\$7.52								
Postmark or Date									

PS Form 3800, June 1985

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

---oo0oo---

IN THE MATTER OF THE REVIEW OF	:	ORDER
FACT OF VIOLATION REGARDING	:	INFORMAL HEARING
NOV 90-32-4-1, PACIFICORP	:	
ELECTRIC OPERATIONS COTTON-	:	CAUSE NO. ACT/015/019
WOOD MINE, EMERY COUNTY, UTAH	:	

---oo0oo---

On April 24, 1991, the Director of the Division of Oil, Gas and Mining (Division) conducted an informal hearing at Permittee Pacificorp Electric Operation's (Pacificorp) request to informally consider the Fact of Violation in the above-referenced NOV issued by the Division. The conference was held at the Division's Salt Lake City office. The following individuals were present and participated in the informal hearing:

Presiding:	Dianne R. Nielson, Director Division
For the Permittee:	Guy Davis Pacificorp Electric Operations Val Payne Pacificorp Electric Operations
For the Division:	Pam Grubaugh-Littig Lowell Braxton Henry Sauer Joe Helfrich

The penalty portion of the NOV had been previously considered in an informal assessment conference conducted by, Thomas A. Mitchell, Assessment Conference Officer for the Board

(see letter of March 7, 1991.) The finalized assessment was 15 points, no fines.

NOW THEREFORE, the Director having fully considered the information presented by Pacificorp and the Division at the conference, as well as information available in Division records, now makes and enters the Order as follows:

FINDINGS OF FACT

1. The informal hearing was properly scheduled and noticed in accordance with Utah Code Ann. §§ 63-46b-1 et seq. and 40-10-1 et seq.

2. The Division's requirement that Pacificorp must have a permit from the Utah Bureau of Air Quality (Bureau) prior to operating the waste rock facility was based on the Bureau's permit requirements under the Clean Air Act, not a Division requirement.

3. The Division and the Bureau approved the plans for construction, authorizing the construction to go forward.

4. The operator received a verbal notification from the Bureau, indicating that they could operate the waste rock facility pending permit approval from the Bureau and in accordance with the conditions of the proposed permit.

CONCLUSIONS OF LAW

5. Utah Admin. R. 614-301-421 and 422 requires the Division to incorporate permit requirements of the Clean Air Act

within the permit for coal mining and reclamation operations.

6. The action by the Bureau granting verbal approval to operate constituted a waiver of the requirement to have a written permit prior to initiating operation of the facility. Therefore, the Bureau's verbal approval constituted a permit for the purposes of the coal mining and reclamation permit.

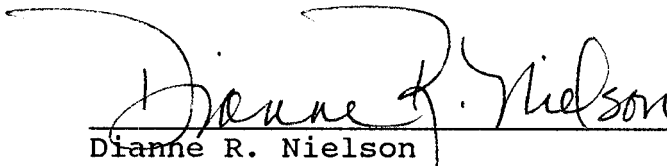
7. Pacificorp met all permit requirements specifically established by DOGM for construction and use of the waste rock dump.

ORDER

8. State NOV 90-32-4-1 is hereby vacated.

9. As a result of vacating the notice of violation, the associated 15 points are abolished.

ORDERED and issued this 24th day of May, 1991.



Dianne R. Nielson
Director
Division of Oil, Gas and Mining

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the forgoing ORDER for Cause No. ACT/015/019 to be mailed first class, postage prepaid on June 4, 1991 to:

T. Blake Webster
Permitting Administrator
Pacificorp Electric Operations
P.O. Box 26128
Salt Lake City, Utah 84126-0128

_____

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SALT LAKE CITY, UTAH 84180-1203

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1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

U.S.G.P.O. 1989-234-555

100011 VB ACT/015/019 INFORMAL HEARING

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
J BLAKE WEBSTER, PMING ADMNSTR
PACIFICORP ELECTRIC OPERATIONS
P O BOX 26128
SALT LAKE CITY UT 84126-0128

4. Article Number
P 540 714 156

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee
X

6. Signature — Agent
X

7. Date of Delivery
APR 16 1991

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989

★ U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

P 540 714 156

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

DOGM VB ACT/015/019 INFORMAL HEARING

J BLAKE WEBSTER PMING ADM	84126								
PACIFICORP ELECTRIC OPRNS	0128								
Street and No.									
P. O. BOX 26128									
P.O. State and ZIP Code									
SALT LAKE CITY UT									
Postage	\$ 7.9								
Certified Fee	1.00								
Special Delivery Fee									
Restricted Delivery Fee									
Return Receipt showing to whom and Date Delivered									
Return Receipt showing to whom, Date, and Address of Delivery									
TOTAL Postage and Fee									
Postmark or Date	APR 16 1991								

U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

April 10, 1991

CERTIFIED RETURN RECEIPT REQUESTED
NO. P 540 714 156

Mr. J. Blake Webster
Permitting Administrator
PacifiCorp Electric Operations
P. O. Box 26128
Salt Lake City, Utah 84126-0128


Dear Mr. Webster:

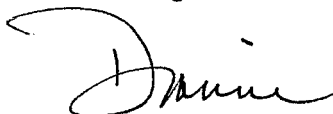
Re: Informal Hearing on Fact of Violation for State Violation N90-32-4-1,
ACT/015/019, PacifiCorp Electric Operations, Cottonwood/Wilberg Mine, Emery
County, Utah

In accordance with your request dated April 3, 1991, please be advised that the informal hearing on the Fact of Violation for state violation N90-32-4-1 has been established for Wednesday, April 24, 1991, at 1:30 p.m.

Pertinent, written material you wish reviewed before the conference can be forwarded to me at the address listed above.

The conference will be held in the office of the Division of Oil, Gas and Mining.

Best regards,



Dianne R. Nielson
Director

vb

cc: J. Kathmann, OSM
J. Helfrich
DOGM Price Office
Public Notice Board

MI126/2

PACIFIC POWER • UTAH POWER

324 South State
P.O. Box 26128
Salt Lake City, Utah 84126-0128

PACIFICORP
ELECTRIC OPERATIONS GROUP

April 3, 1991

Dr. Dianne R. Nielson
Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

**RE: INFORMAL CONFERENCE REQUEST FOR NOV 90-32-4-1,
COTTONWOOD/WILBERG MINE, ACT/015/019**

Dear Dr. Nielson:

PacifiCorp Electric Operations respectfully requests an informal conference with you to consider vacating NOV 90-32-4-1.

The violation was issued October 12, 1990 due to operating the new Cottonwood Waste Rock Facility without an approval order from the Bureau of Air Quality (BAQ). A Notice of Intent (NOI) for the waste rock facility was submitted in February of 1990 to the BAQ. As of this writing no response has been received from BAQ concerning the requested approval order. PacifiCorp was caught in a dilemma of 1) exceeding the design capacity of the old site or 2) operating the new site. Either action would create a scenario for potential violation. After many conversations with BAQ and a letter (copy attached) to them stating compliance with provisions of the NOI, we could not delay operation any longer. Use of the site started 9/12/90, seven months after the NOI was submitted.

Though the assessment fee of this violation has been reduced to no fine, PacifiCorp feels a "Double Regulation" situation lead to the violation. In your recent address, UMA Conference of 1/8/91, you took a stand against "Double Regulation" situations. PacifiCorp feels it did everything possible to receive the Air Quality approval order in a timely manner prior to the projected startup.

*orig recd
4-8-91
w/o attachments
DEN*

RECEIVED

APR 12 1991

DIVISION OF
OIL GAS & MINING

Dr. Dianne Nielson
April 3, 1991
Page 2

For the above stated reasons, we believe this issue is worthy of your consideration to vacate NOV 90-32-4-1. If you have any questions concerning this request or the events leading up to the violation, please contact Val Payne or Guy Davis at 653-2312 or myself at 220-4584. We look forward to your response.

Sincerely,

Guy Davis (for)

J. Blake Webster
Permitting Administrator

cc: File

September 13, 1990

Mr. F. Burnell Cordner
Executive Secretary
Utah Air Conservation Committee
288 North 1460 West
PO Box 16690
Salt Lake City, Utah 84116-0690

RE: WASTE ROCK SITE, SECTION 34, TOWNSHIP 17 SOUTH, RANGE 7
EAST, SLB&M, UTAH POWER & LIGHT COMPANY, COTTONWOOD/WILBERG
MINE, EMERY COUNTY, UTAH

Dear Mr. Cordner:

The Notice of Intent (NOI) of the above referenced project was submitted February 26, 1990 to the Bureau of Air Quality (Bureau). The NOI was determined to be deficient, March 30, 1990, by Mr. Scott Seeby, Engineer for the Bureau. Subsequent responses to the deficiencies were delivered to Mr. Seeby by Mr. Guy Davis (UP&L) on May 8, 1990. Coincidentally, the issue of site construction activities was addressed through correspondence between Mr. David Kopta of the Bureau, Mr. Gene Marshall (UP&L) and myself, May 2, 1990.

Construction of the site was completed during the first week of August, at which time, notice was given of the need to use the site and inquiry was made concerning the status of the NOI. Through communications between Mr. David Ariotti, State Health Department, Mr. Kopta and Mr. Davis, August 7 and 8, 1990, it was revealed that processing of the NOI would require approximately two more months. This fact was confirmed by Mr. Seeby on August 9, 1990. Mr. Seeby suggested that Mr. Monte Keller, of the Bureau, be contacted regarding this matter.

Following several attempts, I made contact with Mr. Keller on August 15, 1990. Mr. Keller indicated that approval of the NOI was still approximately two months away. I informed him that the need to utilize the site was becoming critical and requested that the process be expedited as much as possible.

I again contacted Mr. Keller by telephone on August 28 and in person on August 30, to inform him that it might become necessary to begin using the site within a week. I stated that everything

Mr. F. Burnell Cordner
September 13, 1990
Page 2

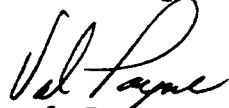
possible would be done to delay this event but the need was becoming more critical each day. Mr. Keller indicated that the NOI was being reviewed by a consulting firm and it would still be several months before approval to use the site could be granted.

I attempted to contact Mr. Keller and Mr. Seeby on September 10 to notify them that utilization of the site was eminent; however neither Mr. Keller nor Mr. Seeby was available. I was also unsuccessful in contacting Mr. Keller on September 11, but I did notify Mr. Seeby that we were going to begin placing material in the site possibly as soon as the following day, September 12.

Several attempts to inform Mr. Keller of the present status of this matter have been made by telephone. However, I have been unable to contact Mr. Keller and my calls have not been returned. Therefore, Mr. Cordner, I respectfully inform you that as of approximately 9:30 am on September 12, 1990, we began placing material in the Cottonwood/Wilberg Waste Rock Disposal Site. All operating conditions outlined in the NOI are being complied with.

If you have questions regarding this matter, please contact me at 687-9821, ext. 288.

Sincerely,



Val Payne
Senior Environmental Engineer

VP/do

cc: D Ariotti (State Health-Price)
D Baker
J Boylen
S Child
G Davis
L Guymon
B Hyita
DW Jense
R Justesen
M Keller (BAQ)
D Kopta (BAQ)
G Marshall (UP&L Env. Services)
M Moon
S Seeby (BAQ)

PACIFIC POWER • UTAH POWER

324 South State
P.O. Box 26128
Salt Lake City, Utah 84126-0128

PACIFICORP
ELECTRIC OPERATIONS GROUP

April 3, 1991

Informal
NOA
orig file
cc DEN
P. G. M. Smith-Littig
T. J. P. Smith
Rayton
RECEIVED

APR 08 1991

**DIVISION OF
OIL GAS & MINING**

Dr. Dianne R. Nielson
Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

**RE: INFORMAL CONFERENCE REQUEST FOR NOV 90-32-4-1,
COTTONWOOD/WILBERG MINE, ACT/015/019**

Dear Dr. Nielson:

PacifiCorp Electric Operations respectfully requests an informal conference with you to consider vacating NOV 90-32-4-1.

The violation was issued October 12, 1990 due to operating the new Cottonwood Waste Rock Facility without an approval order from the Bureau of Air Quality (BAQ). A Notice of Intent (NOI) for the waste rock facility was submitted in February of 1990 to the BAQ. As of this writing no response has been received from BAQ concerning the requested approval order. PacifiCorp was caught in a dilemma of 1) exceeding the design capacity of the old site or 2) operating the new site. Either action would create a scenario for potential violation. After many conversations with BAQ and a letter (copy attached) to them stating compliance with provisions of the NOI, we could not delay operation any longer. Use of the site started 9/12/90, seven months after the NOI was submitted.

Though the assessment fee of this violation has been reduced to no fine, PacifiCorp feels a "Double Regulation" situation lead to the violation. In your recent address, UMA Conference of 1/8/91, you took a stand against "Double Regulation" situations. PacifiCorp feels it did everything possible to receive the Air Quality approval order in a timely manner prior to the projected startup.

Dr. Dianne Nielson

April 3, 1991

Page 2

For the above stated reasons, we believe this issue is worthy of your consideration to vacate NOV 90-32-4-1. If you have any questions concerning this request or the events leading up to the violation, please contact Val Payne or Guy Davis at 653-2312 or myself at 220-4584. We look forward to your response.

Sincerely,

Guy Davis (for)

J. Blake Webster
Permitting Administrator

cc: File



State of Utah
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

BAQE-218-90

Norman H. Bangerter
Governor

Suzanne Dandoy, M.D., M.P.H.
Executive Director

Kenneth L. Alkema
Director

Bureau of Air Quality

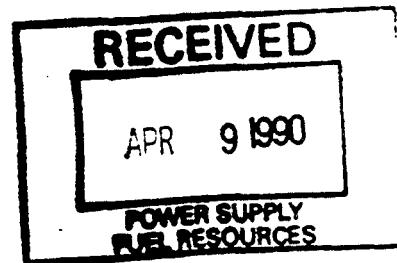
288 North 1460 West

P.O. Box 16690

Salt Lake City, Utah 84116-0690

(801) 538-6108

March 30, 1990



David Smaldone, Director
Permitting
Pacificorp
324 South State
P.O. Box 26128
Salt Lake City, Utah 8126-0128

Dear Mr. Smaldone:

Re: Proposed Waste Rock Site, Section 34, Township 175, Range 7E, SLBM

Your letter with attached Notice of Intent (NOI), dated February 26, 1990, has been received by the Bureau of Air Quality. Preliminary evaluation indicates your notice does not contain sufficient information for further review and engineering.

Please find enclosed an NOI guideline. Upon review, note numbers 2, 3, 4, 5, 6, 9, 10, 11, and 12 were not properly addressed in your submitted application.

In order to proceed with engineering, please address and submit in writing each requirement listed above. Please note, following the NOI guideline format will decrease engineering time.

Section 3.1.1 of the Utah Air Conservation Regulations requires an approval order be issued prior to initiation of construction or modification.

Your earliest attention to this matter will allow the Bureau to issue an approval order on a timely basis.

Sincerely,

Scott Seeby
Scott Seeby, Engineer
Engineering Unit
Bureau of Air Quality

SJS:cah

Enclosure

**utah
power**
& LIGHT COMPANY
MINING DIVISION
P.O. Box 310
Huntington, Utah 84528

April 18, 1990

Mr. David Kopta
Manager Engineering
Division of Environmental Health
Bureau of Air Quality
288 North 1460 West
P.O. Box 16700
Salt Lake City, Ut. 84116-0700

Dear Mr. Kopta:

This letter provides information to the Bureau of Air Quality regarding the construction of a waste rock storage facility in Emery County, Utah. The site will be constructed for the Utah Power and Light Mining Division's Cottonwood/Wilberg and Des-Bee-Dove mines. The site is located in portions of Section 34, Township 17S, Range 7E, S.L.B.M. on land managed by the U.S. Department of Interior, Bureau of Land Management.

The construction project will begin in May 1990 and will impact approximately 16.9 acres. An estimated peak amount of 50,000 tons of material will be hauled annually. Material will be spread as required by one bulldozer operating less than 100 hours/year. Moisture content of material hauled is 7% and silt content is approximately 15%. One 24-ton end dump truck will haul an average of one load every 2 hours at 10 miles per hour on 1435 feet of unpaved road. The road will be treated with the manufacturer's recommended amount of Perma-Zyme, which we conclude to be BACT for this situation (see attached information on Perma-Zyme).

The construction site is larger than 1/4 acre, therefore, Section 4.5.2 B.(1) of the Utah Air Conservation regulations have been referenced to apply to this project. Please call me at 687-9821 if you have any questions.

Sincerely,

Guy Davis For

David Smaldone
Director of Permitting
Compliance and Services

**utah
power**
& LIGHT COMPANY
MINING DIVISION
P.O. Box 310
Huntington, Utah 84528

May 2, 1990

Mr. David Kopta
Manager Engineering
Division of Environmental Health
Bureau of Air Quality
288 North 1460 West
PO Box 16700
Salt Lake City, Utah 84116-0700

Re: Construction Activities at Cottonwood/Wilberg Waste Rock
Storage Facility, Section 34, Township 17S, SLBM

Dear Mr. Kopta:

Per my discussion with Mr. Gene Marshall, Utah Power & Light Company, following his telephone conversation with you on May 2, 1990, it is my understanding that construction activities at the above referenced facility may begin prior to receipt of an air quality approval order. Please respond regarding this matter. The attached letter from Mr. F. Burnell Cordner to Mr. David Smaldone addressed a similar situation regarding the Deer Creek Waste Rock Storage Site.

Mr. Scott Seeby, of your staff, requested additional information regarding the Notice of Intent for the project. This information is presently being compiled by Mr. Marshall and will be submitted to you by May 7, 1990.

Thank you for your assistance in this matter. If you have questions please call me at 687-9821.

Sincerely,



Val Payne
Senior Environmental Engineer

VP/do

cc: S. Child
L. Guymon
B. Hyita
D. Jense
G. Marshall
M. Moon



State of Utah
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

Norman H. Bangerter

Governor

Suzanne Dandoy, M.D., M.P.H.

Executive Director

Kenneth L. Altman

Director

208 North 1480 West

P.O. Box 10000

Salt Lake City, Utah 84110-0000

(801) 538-6108

BAQE-536-88

September 15, 1988

RECEIVED

SEP 19 1988

MINING DIV. S.L.C.

David Smaldone
Utah Power & Light Company
P.O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Smaldone:

Re: Construction Activities

This letter is to verify information given to you in telephone conversations with David Kopta.

Prior to receiving an air quality approval order, construction activities involving site preparation, earth moving, foundation work, etc., are permissible. Only construction of actual pollution emitting facilities is prohibited by Section 3.1, Utah Air Conservation Regulations.

If you have any further questions, please contact David Kopta at 538-6108.

Sincerely,

F. Burnell Cordner

F. Burnell Cordner

Executive Secretary

Utah Air Conservation Committee

FBC/DK/sh

May 7, 1990

HAND DELIVERED

Mr. Scott Seeby
Engineering Unit
Division of Environmental Health
Bureau of Air Quality
288 North 1460 West
PO Box 16700
Salt Lake City, Utah 84116-0700

Re: Proposed Waste Rock Site, Section 34, Township 17S, Range
7E, SLBM, NOI Deficiencies

Dear Scott:

Please find this letter and the attached calculations as response to your deficiency letter dated March 30, 1990. Calculations were computed according to AP-42 procedures. All items which were found incomplete, according to the NOI guidelines, have been addressed. Responses to the NOI guideline numbers not properly addressed are as follows:

2. A summary of potential emissions at the proposed site are found on attached calculations, page 1. Note separate calculations for a uncontrolled and controlled site. The controlled site is calculated using water or chemical treatment and the uncontrolled has no treatment.
3. The pollution control equipment during construction will be
A) watering every two hours unless daily rainfall exceeds .10 of an inch or if the area is muddy, B) maintain equipment speed to 10 mph or less.

Pollution control equipment during site operation will be A) road surface chemically treated with Perma-Zyme, B) truck speed on road at 10 mph.

4. See calculations, page 1.
5. Calculations for emissions estimates, source of the equations and emission factors are found on pages 2 through 6. Sources include wind, batch drop from end dump truck, 10 wheel end dump truck, truck engine, and dozer engine. Summary of uncontrolled -vs- controlled comparisons are found on page 1 of the calculations.

6. Air contaminant emissions from a treated site are reduced enough to justify water or chemical treatment. Though, the initial cost is higher, the road will be treated chemically by Perma-Zyme because of the efficiency of the chemical and little follow-up maintenance required. The Perma-Zyme treatment, in this instance is BACT. (See attached Perma-Zyme information summary.)
9. Indicated values are not exceeded.
10. Indicated values are not exceeded.
11. Not Applicable.
12. Not Applicable.

In addition to the guideline deficiencies, the following revisions to the April 18, 1990 letter to Mr. David Kopta are necessary.

1. The maximum loads hauled per year to the site is 2083 or approximately 5 trips per working day.
2. Yearly dozer operation time is 200 hrs./yr.

If there are any questions, please call 687-9821 ext. 288. Questions about calculations can be addressed to Mr. Gene Marshall (UP&L) at 220-2235 in Salt Lake City.

Sincerely,



Val Payne
Senior Environmental Engineer

GD/do
Enclosure

cc: Mr. David Kopta - Bureau of Air Quality, Manager Engineering
File

September 13, 1990

Mr. F. Burnell Cordner
Executive Secretary
Utah Air Conservation Committee
288 North 1460 West
PO Box 16690
Salt Lake City, Utah 84116-0690

RE: WASTE ROCK SITE, SECTION 34, TOWNSHIP 17 SOUTH, RANGE 7
EAST, SLB&M, UTAH POWER & LIGHT COMPANY, COTTONWOOD/WILBERG
MINE, EMERY COUNTY, UTAH

Dear Mr. Cordner:

The Notice of Intent (NOI) of the above referenced project was submitted February 26, 1990 to the Bureau of Air Quality (Bureau). The NOI was determined to be deficient, March 30, 1990, by Mr. Scott Seeby, Engineer for the Bureau. Subsequent responses to the deficiencies were delivered to Mr. Seeby by Mr. Guy Davis (UP&L) on May 8, 1990. Coincidentally, the issue of site construction activities was addressed through correspondence between Mr. David Kopta of the Bureau, Mr. Gene Marshall (UP&L) and myself, May 2, 1990.

Construction of the site was completed during the first week of August, at which time, notice was given of the need to use the site and inquiry was made concerning the status of the NOI. Through communications between Mr. David Ariotti, State Health Department, Mr. Kopta and Mr. Davis, August 7 and 8, 1990, it was revealed that processing of the NOI would require approximately two more months. This fact was confirmed by Mr. Seeby on August 9, 1990. Mr. Seeby suggested that Mr. Monte Keller, of the Bureau, be contacted regarding this matter.

Following several attempts, I made contact with Mr. Keller on August 15, 1990. Mr. Keller indicated that approval of the NOI was still approximately two months away. I informed him that the need to utilize the site was becoming critical and requested that the process be expedited as much as possible.

I again contacted Mr. Keller by telephone on August 28 and in person on August 30, to inform him that it might become necessary to begin using the site within a week. I stated that everything

Mr. F. Burnell Cordner
September 13, 1990
Page 2

possible would be done to delay this event but the need was becoming more critical each day. Mr. Keller indicated that the NOI was being reviewed by a consulting firm and it would still be several months before approval to use the site could be granted.

I attempted to contact Mr. Keller and Mr. Seeby on September 10 to notify them that utilization of the site was eminent; however neither Mr. Keller nor Mr. Seeby was available. I was also unsuccessful in contacting Mr. Keller on September 11, but I did notify Mr. Seeby that we were going to begin placing material in the site possibly as soon as the following day, September 12.

Several attempts to inform Mr. Keller of the present status of this matter have been made by telephone. However, I have been unable to contact Mr. Keller and my calls have not been returned. Therefore, Mr. Cordner, I respectfully inform you that as of approximately 9:30 am on September 12, 1990, we began placing material in the Cottonwood/Wilberg Waste Rock Disposal Site. All operating conditions outlined in the NOI are being complied with.

If you have questions regarding this matter, please contact me at 687-9821, ext. 288.

Sincerely,



Val Payne
Senior Environmental Engineer

VP/do

cc: D Ariotti (State Health-Price)
D Baker
J Boylen
S Child
G Davis
L Guymon
B Hyita
DW Jense
R Justesen
M Keller (BAQ)
D Kopta (BAQ)
G Marshall (UP&L Env. Services)
M Moon
S Seeby (BAQ)

P. Little (DOGM) 10/5/90



UTAH
NATURAL RESOURCES
Oil, Gas & Mining

3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

Page 1 of 2

NO. N90-32-4-1

To the following Permittee or Operator:

Name UTAH POWER + LIGHT COMPANY

Mine COTTONWOOD/WILBERG

☐ Surface

☒ Underground

☐ Other

County ENERGY

State UTAH

Telephone _____

Mailing Address P.O. Box 310

State Permit No. ACT/015/019

Ownership Category

☐ State

☐ Federal

☐ Fee

☒ Mixed

Date of inspection October 12

1990

Time of inspection _____

☐ a.m.

☐ p.m. to _____

☐ a.m.

☐ p.m.

Operator Name (other than Permittee) _____

Mailing Address _____

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining is** ☒ **is not** ☐ expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

Date of service/ mailing October 12

Time of service/ mailing 3:30 ☐ a.m. ☒ p.m.

Val Payne
Permittee/Operator representative

Senior Environmental Engineer
Title

Val Payne
Signature

HENRY JADER
Division of Oil, Gas & Mining representative

Reclamation File Specialist
Title

Henry Jader
Signature

#32
Identification Number

SEE REVERSE SIDE

WHITE-DOGM YELLOW-OSM PINK-PERMITTEE, OPERATOR GOLDENROD-NOV FILE

notice of violation



NOTICE OF VIOLATION NO. N 90-32-⁴~~1~~

Violation No. 1 of 1

Nature of violation

Failure to comply with the terms and provisions of the approved permit and requirements of the state program.

Provisions of act, regulations or permit violated

R614-300-143.

Portion of operation to which notice applies

Waste Rock Disposal Facility

Remedial action required (including any interim steps)

Obtain an air quality approval order from the ~~Bureau~~ of Air Quality.

Abatement time (including interim steps)

Immediately

September 13, 1990

Mr. F. Burnell Cordner
Executive Secretary
Utah Air Conservation Committee
288 North 1460 West
PO Box 16690
Salt Lake City, Utah 84116-0690

RE: WASTE ROCK SITE, SECTION 34, TOWNSHIP 17 SOUTH, RANGE 7
EAST, SLB&M, UTAH POWER & LIGHT COMPANY, COTTONWOOD/WILBERG
MINE, EMERY COUNTY, UTAH

Dear Mr. Cordner:

The ~~Notice of Intent~~ (NOI) of the above referenced project ~~was submitted February 26, 1990 to the Bureau of Air Quality (Bureau). The NOI was determined to be deficient, March 30, 1990~~ by Mr. Scott Seeby, Engineer for the Bureau. Subsequent responses to the deficiencies were delivered to Mr. Seeby by Mr. Guy Davis (UP&L) on May 8, 1990. Coincidentally, the issue of site construction activities was addressed through correspondence between Mr. David Kopta of the Bureau, Mr. Gene Marshall (UP&L) and myself, May 2, 1990.

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I again contacted Mr. Keller by telephone on August 28 and in person on August 30, to inform him that it might become necessary to begin using the site within a week. I stated that everything

Mr. F. Burnell Cordner
September 13, 1990
Page 2

possible would be done to delay this event but the need was becoming more critical each day. Mr. Keller indicated that the NOI was being reviewed by a consulting firm and it would still be several months before approval to use the site could be granted.

I attempted to contact Mr. Keller and Mr. Seeby on September 10 to notify them that utilization of the site was eminent; however neither Mr. Keller nor Mr. Seeby was available. I was also unsuccessful in contacting Mr. Keller on September 11, but I did notify Mr. Seeby that we were going to begin placing material in the site possibly as soon as the following day, September 12.

Several attempts to inform Mr. Keller of the present status of this matter have been made by telephone. However, I have been unable to contact Mr. Keller and my calls have not been returned. Therefore, Mr. Cordner, I respectfully inform you that as of approximately 9:30 am on September 12, 1990, we began placing material in the Cottonwood/Wilberg Waste Rock Disposal Site. All operating conditions outlined in the NOI are being complied with.

If you have questions regarding this matter, please contact me at 687-9821, ext. 288.

Sincerely,



Val Payne
Senior Environmental Engineer

VP/do

cc: D Ariotti (State Health-Price)
D Baker
J Boylen
S Child
G Davis
L Guymon
B Hyita
DW Jense
R Justesen
M Keller (BAQ)
D Kopta (BAQ)
G Marshall (UP&L Env. Services)
M Moon
S Seeby (BAQ)



Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

March 7, 1991

CERTIFIED RETURN RECEIPT REQUESTED
P 074 979 029

Mr. Blake Webster
PacifiCorp Electric Operations
Fuel Resources
P.O. Box 26128
Salt Lake City, Utah 84126-0128

Dear Mr. Webster:

Re: Finalized Assessment for State Violation #N90-32-4-1,
PacifiCorp Electric Operations, Cottonwood/Wilberg Mine,
ACT/015/017, Folder #5, Emery County, Utah

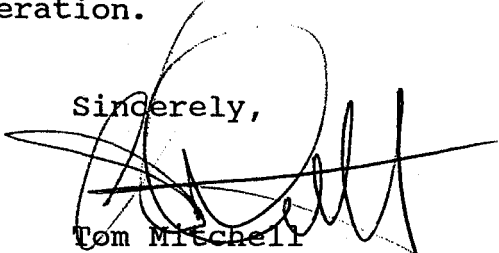
The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,


Tom Mitchell
Assessment Conference Officer

Enclosure
cc: John C. Kathmann, OSM, AFO

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE PacifiCorp-Cottonwood/Wilberg NOV #N90-32-4-1

PERMIT # ACT/015/019 VIOLATION 1 of 1

Assessment Date 3/6/91 Assessment Officer Tom Mitchell

Nature of
Violation: Air Quality Permit

Date of Termination: 10/15/90

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>0</u>	<u>0</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>0</u>	<u>0</u>
Extent of Damage	<u>0</u>	<u>0</u>
(b) Hindrance to Enforcement	<u>15</u>	<u>0</u>
(3) Negligence	<u>8</u>	<u>0</u>
(4) Good Faith	<u>-0</u>	<u>-0</u>
Total Points	<u>15</u>	<u>0</u>
TOTAL ASSESSED FINE		\$ <u>0</u>

NARRATIVE:

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

Assessed points less than 50. Civil penalty discretionary.

jbe
ACT015019



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

November 5, 1990

CERTIFIED RETURN RECEIPT
P 074 978 785

Mr. Dee Jense
Pacificorp Electric Operations
324 South State Street, P. O. Box 26128
Salt Lake City, Utah 84126-0218

Dee
Dear Mr. Jense:

Re: Proposed Assessment for State Violation No. 90-32-4-1,
Cottonwood/Wilberg Mine, ACT/015/019, Folder #5, Emery
County, Utah

The undersigned has been appointed by the Board of Oil, Gas and Mining as the Assessment Office for assessing penalties under R614-401 et seq.

Enclosed is the proposed civil penalty assessment for the above referenced violation. This violation was issued by Division Inspector, Henry Sauer on October 12, 1990. Rule UMC/SMC 845.2 et seq. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this Notice of Violation has been considered in determining the facts surrounding the violation and the amount of penalty.

Within 15 days after receipt of this proposed assessment, you or your agent may file a written request for an assessment conference to review the proposed penalty.

If a timely request is not made, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

Joseph C. Helfrich

Joseph C. Helfrich
Assessment Officer

Enclosure

an equal opportunity employer

WORKSHEET FOR ASSESSMENT OF PENALTIES
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Utah Power & Light Co/Cottonwood Wilberg NOV # 90-32-4-1

PERMIT # ACT/015/019 VIOLATION 1 OF 1

ASSESSMENT DATE 11/5/90 ASSESSMENT OFFICER Joseph C. Helfrich

I. HISTORY MAX 25 PTS

- A. Are there previous violations which are not pending or vacated, which fall within 1 year of today's date?

ASSESSMENT DATE 11/5/90 EFFECTIVE ONE YEAR TO DATE 11/5/89

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
_____	_____	_____

1 point for each past violation, up to on year;
5 points for each past violation in a CO, up to one year;
No pending notices shall be counted.

TOTAL HISTORY POINTS -

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category, the Assessment Officer will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is than an Event (A) or Hindrance (B) violation? Hindrance

A. Event Violations Max 45 PTS

1. What is the event which the violated standard was designed to prevent?

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? _____

... PROBABILITY	RANGE
... None	0
... Unlikely	1-9
... Likely	10-19
... Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS -

PROVIDE AN EXPLANATION OF POINTS

3. What is the extent of actual or potential damage?

RANGE 0 - 25*

*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS -

PROVIDE AN EXPLANATION OF POINTS

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Actual

RANGE 0 - 25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS 15

PROVIDE AN EXPLANATION OF POINTS

Inasmuch as the permittee did not have an air quality permit at the time of the inspection, the inspector was actually hindered from evaluating compliance with requisite permits; thus 15 points are assigned.

TOTAL SERIOUSNESS POINTS (A or B) 15

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;
 OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;
 OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

... No Negligence	0	
... Negligence	1-15	
... Greater Degree of Fault		16-30

STATE DEGREE OF NEGLIGENCE Ordinary

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS

Lack of diligence with respect to permit requirements.

IV. GOOD FAITH MAX 20 PTS. (EITHER A or B) (Does not apply to violations requiring no abatement measures.

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?
 ... IF SO - EASY ABATEMENT
 Easy Abatement Situation
 ... Immediate Compliance -11 to -20*
 ... Immediately following the issuance of the NOV)
 ... Rapid Compliance -1 to -10*
 ... (Permittee used diligence to abate the violation)
 ... Normal Compliance 0
 (Operator complied within the abatement period required)
 (Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

* Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance
OR does the situation require the submission of plans prior to physical
activity to achieve compliance?
... IF SO - DIFFICULT ABATEMENT

Difficult Abatement Situation

- ... **Rapid Compliance** -11 to -20*
... (Permittee used diligence to abate the violation)
... **Normal Compliance** -1 to -10*
... (Operator complied within the abatement period required)
... **Extended Compliance** 0
(Permittee took minimal actions for abatement to stay within the
limits of the NOV or the violated standard, or the plan submitted
for abatement was incomplete)
(Permittee complied with conditions and/or terms of approved
Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? Easy ASSIGN GOOD FAITH POINTS -8

PROVIDE AN EXPLANATION OF POINTS

The operator complied with the abatement requirements of the Notice of Violation

V. ASSESSMENT SUMMARY FOR N90-32-4-1

I.	TOTAL HISTORY POINTS	<u>-</u>
II.	TOTAL SERIOUSNESS POINTS	<u>15</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>
IV.	TOTAL GOOD FAITH POINTS	<u>-8</u>
	TOTAL ASSESSED POINTS	<u>15</u>
	TOTAL ASSESSED FINE	<u>\$ 150.00</u>

jb
MNACT15019.1